

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. ELLIOTT: Memorial of the Merchants' Exchange of Charleston, S. C., favoring the passage of House bill No. 1439, amending the act to regulate commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. FITZGERALD of Massachusetts: Petition of the New England Drug Exchange for the repeal of the special tax on proprietary medicines, etc.—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of business men and resolutions of the Grocers' Association of Centerville, Iowa, against the establishment of the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Quincy, Iowa, in relation to rural delivery—to the Committee on the Post-Office and Post-Roads.

Also, petitions of the Presbyterian congregation of Russell, Iowa, and citizens of Sidney, Iowa, for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

Also, petition of W. H. Parrish and others, favoring legislation giving blind soldiers of civil war a pension of \$50 per month—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Henry C. Edmiston—to the Committee on Invalid Pensions.

By Mr. KNOX: Resolutions of the Woman's Christian Temperance Union of Lynnfield Center, Mass., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. MANN: Resolutions of the Chicago Bar Association, protesting against the organization of a third or middle judicial district in the State of Illinois—to the Committee on the Judiciary.

By Mr. OTJEN: Petition of the Chamber of Commerce of Milwaukee, Wis., relating to the reduction of the war revenue—to the Committee on Ways and Means.

Also, petition of Wisconsin State Federation of Women's Clubs, in favor of the forestry reserve and national park in Minnesota—to the Committee on the Public Lands.

By Mr. POWERS: Papers to accompany House bill No. 10727, granting a pension to Frances A. Wilkins—to the Committee on Invalid Pensions.

By Mr. ROBINSON of Indiana: Petition of letter carriers of Indianapolis, Ind., asking for the passage of House bill No. 1051, for the relief of substitute letter carriers—to the Committee on the Post-Office and Post-Roads.

By Mr. RUSSELL: Resolutions of Preston (Conn.) Christian Endeavor Society, for international action of Christian governments excluding intoxicants from domains inhabited by natives and uncivilized races—to the Committee on Foreign Affairs.

Also, resolutions of Thompsonville (Conn.) Board of Trade, favoring improvements in Connecticut River above Hartford—to the Committee on Rivers and Harbors.

By Mr. TERRY: Resolution of city council of Little Rock, Ark., tendering to the United States Government, out of the river front, property to be selected by the Government, a sufficient plot of ground on which to erect a United States jail—to the Committee on the Judiciary.

By Mr. UNDERWOOD: Petition of David Ketner Maxwell, of Tennessee, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. WATERS: Resolution of the board of directors of the Los Angeles Chamber of Commerce, favoring the extension of soil surveys in California—to the Committee on Agriculture.

By Mr. WEEKS: Petition of Roger Gorbett and others, of Lexington and vicinity; also resolution of Agency for the Protection of Women and Children, Detroit, Mich., in favor of anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. WEYMOUTH: Papers to accompany House bill No. 12727, granting a pension to Nancy M. Guild—to the Committee on Invalid Pensions.

By Mr. WILSON of Idaho: Petition of the Woman's Christian Temperance Union of Middleton, Idaho, favoring House bill No. 8752, for the suppression of Army canteen—to the Committee on Military Affairs.

By Mr. YOUNG: Petition of the Young People's Society of Christian Endeavor of McDowell Memorial Presbyterian Church, of Philadelphia, Pa., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

Also, petition of the First National Bank of Philadelphia, Pa., to reduce the war tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of the Philadelphia Council of Jewish Women, urging Congress to provide necessary legislation for creation of national park in northern Minnesota—to the Committee on the Public Lands.

SENATE.

TUESDAY, December 18, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT pro tempore announced his signature to the enrolled bill (H. R. 2955) providing for the resurvey of township No. 8 of range No. 30 west of the sixth principal meridian, in Frontier County, State of Nebraska; which had previously been signed on May 21, 1900, by the Speaker of the House of Representatives.

CENTENNIAL CELEBRATION AT WASHINGTON.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of the Interior, relative to the expenses incurred by the governors of the States and Territories in attending the anniversary celebration of the establishment of the seat of government in the District of Columbia.

The Chair calls the attention of the Senator from Maine to this communication. It relates to the question of the expenses of the governors of the several States coming to the centennial anniversary. That committee is still in existence?

Mr. HALE. There are some things in the way of settling these very questions on which the committee will have to meet, and I think the communication had better be sent to that committee.

The PRESIDENT pro tempore. Without objection, the communication will be referred to the Select Committee on the Centennial of the Establishment of the Seat of Government in Washington.

Mr. HALE subsequently said: On reflection, as the question relates to an item in the appropriation bill touching the centennial celebration, I ask that the reference be changed and that the communication go to the Committee on Appropriations.

The PRESIDENT pro tempore. Without objection, it will be so ordered. The Chair wishes that the Senator from Maine would read the communication when he has leisure.

Mr. HALE. I shall take occasion to do so very soon.

The PRESIDENT pro tempore. It may require legislation and not an appropriation.

DISPOSAL OF USELESS PAPERS.

The PRESIDENT pro tempore laid before the Senate a communication from the Civil Service Commission, transmitting, pursuant to law, certain information relative to the accumulation of useless papers of no permanent value or historical interest, and requesting authority to destroy such papers from time to time in the future whenever they shall have been on the files of the commission at least five years; which was referred to the Committee on Civil Service and Retrenchment and ordered to be printed.

ELECTORAL VOTES OF PENNSYLVANIA AND GEORGIA.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Pennsylvania and Georgia at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

A bill (S. 173) granting an increase of pension to John H. Morrison;

A bill (S. 218) granting an increase of pension to Sarah E. Tate;

A bill (S. 244) granting a pension to Mary Jane McLaughlin;

A bill (S. 262) granting an increase of pension to Charles H. Irvin;

A bill (S. 476) granting a pension to Franklin Cooley;

A bill (S. 712) granting a pension to Nellie L. Groshon;

A bill (S. 751) granting an increase of pension to Mathew T. Jones;

A bill (S. 1226) granting an increase of pension to George G. Kemp;

A bill (S. 1245) granting a pension to Oliver Doman;

A bill (S. 1347) granting an increase of pension to Marie Sharpe;

A bill (S. 1348) granting an increase of pension to Eliza M. Stillman;

A bill (S. 1599) granting an increase of pension to Cornwell M. Brill;

A bill (S. 1876) granting an increase of pension to John J. Wilson;

A bill (S. 1924) granting a pension to Emma R. Rusling;

A bill (S. 1984) granting a pension to Rebecca Harvey;

A bill (S. 2152) granting a pension to Olive W. Lay;
 A bill (S. 2159) granting an increase of pension to Ernst Pitschner;
 A bill (S. 2190) granting a pension to Emma J. Bidwell;
 A bill (S. 2317) granting a pension to Louise O'Leary;
 A bill (S. 2318) granting a pension to Mary R. Dean;
 A bill (S. 2386) granting a pension to Joseph E. Hendrickson;
 A bill (S. 2462) granting an increase of pension to Emma L. Du Bois;
 A bill (S. 2540) granting an increase of pension to Byron Kurtz;
 A bill (S. 2543) granting an increase of pension to Edward A. Parmalee;
 A bill (S. 2557) granting a pension to Josephine Brown;
 A bill (S. 2774) granting an increase of pension to John H. Wilcox;
 A bill (S. 2830) granting a pension to Ailsie Bennett;
 A bill (S. 2831) granting an increase of pension to Ermine D. Cabbell;
 A bill (S. 2985) granting a pension to John Erb;
 A bill (S. 3049) granting an increase of pension to Mary V. Wilmarth;
 A bill (S. 3056) granting an increase of pension to Giles W. Taylor;
 A bill (S. 3099) granting an increase of pension to Melancthon McCoy;
 A bill (S. 3127) granting an increase of pension to Major A. Northrop;
 A bill (S. 3134) granting a pension to Martha Agnew;
 A bill (S. 3235) granting a pension to Andrew Ferguson;
 A bill (S. 3306) granting an increase of pension to Lucinda D. Dow;
 A bill (S. 3356) granting a pension to Mary J. Quinn;
 A bill (S. 3466) granting an increase of pension to John F. Hutchison;
 A bill (S. 3470) granting a pension to Rosalia Tejedor Brinckerhoff;
 A bill (S. 3505) granting an increase of pension to Edwin Culver;
 A bill (S. 3536) restoring to the pension roll the name of Mary J. Calvin;
 A bill (S. 3880) granting an increase of pension to Clara E. Colbath;
 A bill (S. 4256) granting a pension to James H. Thomas;
 A bill (S. 4688) granting an increase of pension to James U. Childs; and
 A bill (S. 5053) to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:
 A bill (H. R. 1600) granting an increase of pension to Lucy B. Bryson;
 A bill (H. R. 2204) for the relief of William O. Eagle;
 A bill (H. R. 3491) granting a pension to Melvina Greenawalt;
 A bill (H. R. 3609) granting a pension to Agnes B. Hoffman;
 A bill (H. R. 4130) granting a pension to Mary Clark;
 A bill (H. R. 4204) to correct the military record of George A. Winslow;
 A bill (H. R. 4231) granting a pension to Michael Ryan, alias Kennedy;
 A bill (H. R. 4516) granting an increase of pension to Burwell Hinchman;
 A bill (H. R. 4887) granting an increase of pension to David R. Ellis;
 A bill (H. R. 5085) granting an increase of pension to Patrick H. Hurley;
 A bill (H. R. 5189) granting an increase of pension to Alexander Boltin;
 A bill (H. R. 6043) granting an increase of pension to John C. Sheuerman;
 A bill (H. R. 6676) for the relief of Edward G. Garner, Company E, One hundred and twenty-eighth New York Volunteer Infantry;
 A bill (H. R. 8027) granting a pension to William R. Miller;
 A bill (H. R. 8273) granting a pension to Sarah S. Hammond;
 A bill (H. R. 9981) granting an increase of pension to Joseph Zimmerman;
 A bill (H. R. 10472) granting an increase of pension to Frank Blair;
 A bill (H. R. 10639) granting an increase of pension to Julia A. Gilpin;
 A bill (H. R. 10785) granting a pension to Thomas White;
 A bill (H. R. 11096) granting an increase of pension to Delia E. Stillman;
 A bill (H. R. 11603) granting an increase of pension to Sarah A. Dininny; and
 A bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President pro tempore:

A bill (S. 5076) to provide for the appointment of an additional district judge in the northern judicial district of the State of Ohio; and

A bill (H. R. 9043) granting an increase of pension to David S. Snyder.

PETITIONS AND MEMORIALS.

Mr. FAIRBANKS presented a petition of the Citizens' National Bank, the Old National Bank, the German Bank, and the First National Bank, all of Evansville, in the State of Indiana, praying for the repeal of the war-revenue tax on the capital and surplus of banks; which was referred to the Committee on Finance.

Mr. THURSTON presented a telegram, in the nature of a petition, from the Pastors' Association of Lincoln, Nebr., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens; which was referred to the Committee on Military Affairs.

Mr. NELSON presented a memorial of sundry citizens of Hendrum, Minn., remonstrating against the passage of the so-called parcels-post bill; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry wholesale and retail grocery firms of Minnesota, praying for the repeal of the duty on tea; which was referred to the Committee on Finance.

He also presented a memorial of the Board of Trade and the Manufacturers and Jobbers' Association of Minneapolis, Minn., remonstrating against the adoption of certain amendments to the interstate-commerce bill; which was referred to the Committee on Interstate Commerce.

He also presented petitions of the congregations of the Methodist Episcopal Church of Wanger and the Presbyterian Church of Argyle; of the Woman's Christian Temperance Union of Argyle, and of 158 citizens of West Concord, all in the State of Minnesota, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. FORAKER presented sundry petitions of citizens of Porto Rico, praying that section 3 of the joint resolution to provide for the administration of civil affairs in Porto Rico pending the appointment and qualifications of the civil officers provided for in the act approved April 12, 1900, be amended so as to strike out the clause providing that all franchises, privileges, or concessions granted under section 32 of the act approved May 1, 1900, shall be subject to amendment, alteration, or repeal; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented a petition of 70 citizens of Savannah, Ohio, and a petition of the congregation of the First Presbyterian Church of Wooster, Ohio, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the congregation of the First Christian Church of Columbus, Ohio, and a petition of the congregation of the Fifth Avenue Methodist Episcopal Church, of Columbus, Ohio, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport, or upon any premises used for military purposes by the United States; which were referred to the Committee on Military Affairs.

Mr. ALLEN presented a petition of sundry citizens of Omaha, Nebr., praying for the repeal of the duty on hides; which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of the Chicago Bar Association, of Chicago, Ill., remonstrating against the establishment of another judicial district in that State, and praying for the appointment of an additional district judge for the northern district of Illinois; which was referred to the Committee on the Judiciary.

He also presented petitions of the Woman's Christian Temperance unions of Chicago and Laclede and of the congregation of the Methodist Episcopal Church of Harristown, all in the State of Illinois, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army canteens and in all the island possessions of the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of sundry citizens of Champaign, Ill., and a petition of sundry citizens of Freeport, Ill., praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

Mr. FRYE presented the memorial of Lewis F. Lux, of Rochester, N. Y., remonstrating against the enactment of legislation relative to the internal-revenue tax on fermented liquors; which was referred to the Committee on Finance.

He also presented petitions of the Woman's Christian Temperance Union of Phippsburg, Me.; of the Methodist Preachers' meeting of Portland, Oreg., and of the Methodist Episcopal Ministers' Association of Buffalo, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in Army cantens; which were referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5192) granting an increase of pension to Richard O. Greenleaf;

A bill (S. 4876) granting an increase of pension to Mary A. Merritt;

A bill (H. R. 8207) granting a pension to Joseph Quinn;

A bill (H. R. 815) granting an increase of pension to Moses H. Taber; and

A bill (H. R. 10847) granting an increase of pension to Betsey A. Summers.

Mr. GALLINGER, from the Committee on Pensions, to whom was referred the bill (S. 5108) granting an increase of pension to Frances M. Reilly, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2621) granting an increase of pension to Charles Frye, reported it with an amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (S. 5093) granting an increase of pension to Charlotte W. Drew, reported it with amendments, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom was referred the bill (H. R. 10524) granting an increase of pension to Lewis H. Riden, reported it without amendment, and submitted a report thereon.

He also (for Mr. PRITCHARD), from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5039) granting an increase of pension to Lucie M. Mabry;

A bill (S. 1044) granting an increase of pension to Rachel M. Worley; and

A bill (S. 4575) granting an increase of pension to Thomas Claiborne.

Mr. DEBOE, from the Committee on Pensions, to whom was referred the bill (S. 8735) granting an increase of pension to Annie B. Sharrard, reported it without amendment, and submitted a report thereon.

Mr. DEBOE. I am directed by the Committee on Indian Depredations, to whom was referred the bill (H. R. 3204) to refer certain claims for Indian depredations to the Court of Claims, to report it without amendment and to submit a written report thereon. I ask unanimous consent for the immediate consideration of the bill.

The PRESIDENT pro tempore. It will be read in full to the Senate for its information.

The Secretary proceeded to read the bill.

Mr. ALDRICH. For what purpose is the bill being read?

The PRESIDENT pro tempore. It is being read for the information of the Senate on the request of the Senator from Kentucky for consideration.

Mr. ALDRICH. I think it had better go over, in view of the pressure of public business.

The PRESIDENT pro tempore. Objection is made, and the bill goes to the Calendar.

Mr. ALLEN, from the Committee on Pensions, to whom was referred the bill (H. R. 7600) granting an increase of pension to Charles Claussen, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 7327) granting an increase of pension to Charles N. Paine, submitted an adverse report thereon, which was agreed to; and the bill was postponed indefinitely.

He also, from the same committee, to whom was referred the bill (S. 2785) granting a pension to William H. Gardner, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3653) granting an increase of pension to Henry Smith; and

A bill (S. 3648) granting an increase of pension to Peter Shelt.

Mr. ALDRICH, from the Committee on Finance, to whom was referred the bill (H. R. 10698) to amend an act amending the act entitled "An act to authorize the receipt of United States gold coin in exchange for gold bars," reported it without amendment.

Mr. KENNEY, from the Committee on Pensions, to whom were

referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5005) granting an increase of pension to Frederick Vogel; and

A bill (S. 5128) granting an increase of pension to Benjamin R. Wiley.

Mr. KENNEY, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5126) granting a pension to John T. Tompson; and

A bill (S. 2319) granting an increase of pension to Charles C. Buntz.

Mr. KENNEY, from the Committee on Pensions, to whom was referred the bill (H. R. 6947) granting an increase of pension to Alonzo C. Rembaugh, reported it without amendment, and submitted a report thereon.

Mr. QUARLES, from the Committee on Pensions, to whom was referred the bill (H. R. 9108) granting a pension to Maria H. Hixon, reported it with amendments, and submitted a report thereon.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5139) granting an increase of pension to Jacob Hight; and

A bill (S. 4209) granting a pension to Mary Sanders.

Mr. BAKER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5140) granting a pension to Mary C. Coombs;

A bill (H. R. 9176) granting a pension to Emily Haines Harrison;

A bill (H. R. 8218) granting a pension to Mary E. Lacey; and

A bill (H. R. 10778) granting an increase of pension to Martin V. B. Winkler.

Mr. KYLE, from the Committee on Pensions, to whom was referred the bill (S. 3264) granting an increase of pension to William J. Cannon, alias James Cannon, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 3224) granting an increase of pension to Amos L. Hood; and

A bill (S. 1828) granting a pension to Emma T. Martin.

NORTON SCHERMERHORN.

Mr. KYLE. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5036) granting an increase of pension to Norton Schermerhorn, to report it with an amendment. I ask, in consequence of the very critical condition of the ex-soldier, that the bill be acted upon at once.

The Secretary read the bill, which was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty."

The PRESIDENT pro tempore. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. SPOONER. I ask that the bill be read again.

The Secretary read the bill as amended, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Norton Schermerhorn, late of Company H, Thirty-eighth Regiment New York Volunteer Infantry, and pay him a pension at the rate of \$40 per month in lieu of that he is now receiving.

The amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PRINTING FOR FINANCE COMMITTEE.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be authorized to have printed and bound such papers and documents, for the use of said committee, as it may deem necessary in connection with subjects considered or to be considered by said committee during the Fifty-sixth Congress.

THE NICARAGUA CANAL.

Mr. MORGAN. In behalf of the Committee on Inter-oceanic Canals I present a supplemental report to accompany the bill (H. R. 2538) to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, which I ask to have printed and laid on the table.

The PRESIDENT pro tempore. The supplemental report will be printed and laid on the table.

BILLS INTRODUCED.

Mr. CULLOM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (S. 5246) granting a pension to Hiram H. Kingsbury;
- A bill (S. 5247) granting a pension to Peter O'Tool;
- A bill (S. 5248) granting a pension to Charles C. Denio; and
- A bill (S. 5249) granting a pension to William St. Martz.

Mr. HOAR introduced a bill (S. 5250) for the relief of the legal representatives of Jeremiah Simonson, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. FAIRBANKS introduced a bill (S. 5251) granting an increase of pension to Joseph Kibble; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5252) granting an increase of pension to Nimrod Headington; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURLEY introduced a bill (S. 5254) for the relief of John Rick; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MORGAN introduced a bill (S. 5255) granting a pension to Mary E. Saffold; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. KEAN introduced a bill (S. 5256) for the relief of Anna M. Mershon, administratrix of Daniel S. Mershon, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5257) granting a pension to John H. Doremus; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 5258) to allow the commutation of homestead entries in certain cases; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GALLINGER introduced a bill (S. 5259) granting an increase of pension to William Gordon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 5260) granting an increase of pension to Gardner P. Waterhouse; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HOAR introduced a bill (S. 5261) in relation to official bonds; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. MASON (by request) introduced a bill (S. 5262) for preventing the adulteration, misbranding, and imitation of foods, beverages, candies, drugs, and condiments in the District of Columbia and the Territories, and for regulating interstate traffic therein, and for other purposes; which was read twice by its title, and referred to the Committee on Manufactures.

ESTATE OF JOHN KERR, DECEASED.

Mr. TURLEY. At the last session of Congress I introduced the bill (S. 4247) for the relief of the estate of John Kerr, deceased, which was referred to the Committee on Claims. I ask that that committee be discharged from the further consideration of the bill and that it be indefinitely postponed, so that I may introduce a bill to take its place.

The PRESIDENT pro tempore. Without objection, the Committee on Claims will be discharged from the further consideration of the bill, and it will be indefinitely postponed.

Mr. TURLEY. I introduce a bill, for reference to the Committee on Claims, in place of the bill just indefinitely postponed.

The bill (S. 5253) for the relief of the estate of John Kerr, deceased, was read twice by its title, and referred to the Committee on Claims.

AMENDMENTS TO BILLS.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (S. 4300) to increase the efficiency of the military establishment of the United States; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Military Affairs.

Mr. FORAKER submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

Mr. McBRIDE submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain claims; which was referred to the Committee on Claims, and ordered to be printed.

MISSOURI HOME GUARDS.

On motion of Mr. COCKRELL, it was

Ordered, That 500 extra copies of Senate Report No. 23, Forty-ninth Congress, first session, be printed for the Senate document room.

PROGRESS REPORT ON IRRIGATION.

Mr. PERKINS submitted the following resolution; which, with the accompanying papers, was referred to the Committee on Printing:

Resolved, That there be printed for the use of the Senate 1,000 copies of the Progress Report of Cooperative Investigation by the United States Geological Survey and the California Water and Forest Association during the year 1900.

TREATY WITH COLOMBIA.

Mr. TILLMAN. I ask unanimous consent for the immediate consideration of the resolution which I send to the desk.

The resolution was read, as follows:

Resolved, That the President be, and he is hereby, requested, if not in his judgment incompatible with the public interest, to furnish the Senate all information and copies of all correspondence between this Government and the Government of Colombia, showing the steps, if any, that have been taken by this Government to secure a treaty between the two Governments or a modification by Colombia of existing treaties or concessions with the view of securing to the United States the right to construct a canal over the territory of Colombia between the Atlantic and Pacific oceans.

Mr. LODGE. It seems to me that is executive business, and I move that the Senate now go into executive session.

Mr. GALLINGER. Pending the motion, I rise to make a request.

The PRESIDENT pro tempore. Does the Senator from Massachusetts withdraw his motion?

Mr. LODGE. I yield to the Senator from New Hampshire, and for formal business.

CONSIDERATION OF THE PENSION CALENDAR.

Mr. GALLINGER. Mr. President, I request that to-morrow morning, at the conclusion of the routine morning business, thirty minutes be devoted to the consideration of unobjected pension bills on the Calendar.

The PRESIDENT pro tempore. The Senator from New Hampshire asks unanimous consent that to-morrow morning, after the completion of the routine morning business, thirty minutes be given to the consideration of unobjected pension cases. Is there objection? The Chair hears none, and it is so ordered.

STATUS OF TENNESSEE ENROLLED MILITIA.

Mr. TURLEY submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of War be, and he is hereby, directed to investigate the claims of the officers and enlisted men of the First, Second, Third, Fourth, Fifth, Sixth, and Seventh Regiments of the enrolled militia, which constituted a part of the garrison of Memphis and of the western district of Tennessee, for pay and other compensation while in the service of the United States as a part of its Army organization, and to report to the Senate by what authority these forces were organized, the approximate number of officers and enlisted men enlisted, the kind and duration of service done, whether or not these forces have received any pay from the Government, if not, why they were not paid, and the approximate amount of money which would be required if the scale of pay and allowances then applicable to the soldiers of the United States Army were applied to the above-named organizations.

PRINTING OF SHIPPING BILL.

On motion of Mr. FRYE, it was

Ordered, That there be printed for the use of the Committee on Commerce 1,500 copies of Senate bill No. 727, known as the shipping bill, as last printed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

- A bill (H. R. 1600) granting an increase of pension to Lucy B. Bryson;
- A bill (H. R. 2204) for the relief of William O. Eagle;
- A bill (H. R. 3491) granting a pension to Melvina Greenawalt;
- A bill (H. R. 3609) granting a pension to Agnes B. Hoffman;
- A bill (H. R. 4130) granting a pension to Mary Clark;
- A bill (H. R. 4231) granting a pension to Michael Ryan, alias Kennedy;
- A bill (H. R. 4516) granting an increase of pension to Burwell Hinchman;
- A bill (H. R. 4887) granting an increase of pension to David R. Ellis;
- A bill (H. R. 5085) granting an increase of pension to Patrick H. Hurley;
- A bill (H. R. 5189) granting an increase of pension to Alexander Boltin;
- A bill (H. R. 6043) granting an increase of pension to John C. Sheuerman;
- A bill (H. R. 8027) granting a pension to William R. Miller;
- A bill (H. R. 8273) granting a pension to Sarah H. Hammond;
- A bill (H. R. 9981) granting an increase of pension to Joseph Zimmerman;
- A bill (H. R. 10472) granting an increase of pension to Frank Blair;
- A bill (H. R. 10639) granting an increase of pension to Julia A. Gilpin.
- A bill (H. R. 10785) granting a pension to Thomas White;

A bill (H. R. 11096) granting an increase of pension to Delia E. Stillman; and

A bill (H. R. 11603) granting an increase of pension to Sarah A. Dininny.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 4204) to correct the military record of George A. Winslow; and

A bill (H. R. 6676) for the relief of Edward G. Garner, Company E, One hundred and twenty-eighth New York Volunteer Infantry.

The bill (H. R. 12838) making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1901, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed each with an amendment the following bills in which it requested the concurrence of the Senate:

A bill (S. 92) granting a pension to William M. Ferry;

A bill (S. 3436) granting a pension to Catharine Weinheimer; and

A bill (S. 4184) granting an increase of pension to Evelyn Neale Murray.

The message also announced that the House had passed with amendments the bill (S. 2582) to provide for the establishment of the intersection of the true one hundredth meridian with Red River; to ascertain the amount of taxes collected by the State of Texas in what was formerly known as Greer County, and the expenditures made on account of said county by said State, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. 154) granting an increase of pension to Benjamin F. Shott;

A bill (H. R. 953) to divide the State of West Virginia into two judicial districts;

A bill (H. R. 971) to divide Kentucky into two judicial districts;

A bill (H. R. 1845) granting pensions to William Allen and Isaac Garman;

A bill (H. R. 2472) to correct the military record of John H. Finck;

A bill (H. R. 2656) granting an increase of pension to John H. Gardner;

A bill (H. R. 2692) granting an increase of pension to Louisa N. Godfrey;

A bill (H. R. 3047) to remove charge of desertion from military record of John Faulds, Company G, Thirty-first Wisconsin Infantry;

A bill (H. R. 3133) granting a pension to Edward Hounsom;

A bill (H. R. 3636) granting an increase of pension to George A. Libby;

A bill (H. R. 3658) granting a pension to Catherine Broughton;

A bill (H. R. 3660) granting an increase of pension to Franklin I. Gilbert;

A bill (H. R. 3705) granting a pension to Almeda Brown;

A bill (H. R. 3956) granting an increase of pension to George W. Plants;

A bill (H. R. 4068) granting an increase of pension to Maria N. Flint;

A bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin;

A bill (H. R. 4143) granting a pension to Laura V. Swearer;

A bill (H. R. 4199) granting increase of pension to Gabriel M. Funk;

A bill (H. R. 4356) granting an increase of pension to Henry G. Bigelow;

A bill (H. R. 4633) granting a pension to John Calvin Lane;

A bill (H. R. 5441) granting an increase of pension to Hugh Thompson;

A bill (H. R. 5643) granting a pension to Elizabeth Beesley;

A bill (H. R. 6623) granting a pension to Sarah E. Wall;

A bill (H. R. 7040) granting a pension to Laura Newman;

A bill (H. R. 7203) granting a pension to Thomas F. Walter;

A bill (H. R. 7495) granting an increase of pension to Richard Holloway;

A bill (H. R. 7745) granting a pension to Lucinda Miller;

A bill (H. R. 7912) granting an increase of pension to Harriet A. Wilson;

A bill (H. R. 8161) granting a pension to Annis Bean;

A bill (H. R. 8191) granting an increase of pension to Adam Bieger;

A bill (H. R. 8263) granting a pension to Lula M. Jones;

A bill (H. R. 8297) granting an increase of pension to Albert Buck;

A bill (H. R. 8418) granting an increase of pension to William H. Gibbs;

A bill (H. R. 8535) granting an increase of pension to Andrew E. Dunham;

A bill (H. R. 8647) granting a pension to Joseph Connell;

A bill (H. R. 8942) granting an increase of pension to Michael Howlett;

A bill (H. R. 9023) granting an increase of pension to Mary E. Dobyns;

A bill (H. R. 9266) granting an increase of pension to James H. Caldwell;

A bill (H. R. 9269) granting a pension to Olie Heaton;

A bill (H. R. 9370) granting a pension to Louis M. Starring;

A bill (H. R. 9570) granting an increase of pension to Henry F. Rice;

A bill (H. R. 9785) granting a pension to Catherine A. McClanathan;

A bill (H. R. 9840) granting an increase of pension to William Snider;

A bill (H. R. 10089) granting an increase of pension to Charles Forbes;

A bill (H. R. 10183) granting an increase of pension to Robert A. Reid;

A bill (H. R. 10333) granting a pension to Sophie De V. Barrett;

A bill (H. R. 10570) granting an increase of pension to John Kinsey;

A bill (H. R. 10725) granting a pension to Mae Pearman;

A bill (H. R. 10784) granting an increase of pension to Oliva J. Baker;

A bill (H. R. 10892) granting an increase of pension to Phebe Tate;

A bill (H. R. 10945) granting an increase of pension to William T. Wyant;

A bill (H. R. 11057) granting an increase of pension to Leonhart Miller;

A bill (H. R. 11158) granting a pension to Daniel Palmatary;

A bill (H. R. 11159) granting a pension to John W. Phillips;

A bill (H. R. 11187) granting a pension to James W. Russell;

A bill (H. R. 11198) granting an increase of pension to Gorton Brown;

A bill (H. R. 11211) granting a pension to Thomas Clark;

A bill (H. R. 11228) granting an increase of pension to Smith Thompson;

A bill (H. R. 11516) granting an increase of pension to Samuel Ryan;

A bill (H. R. 11552) granting an increase of pension to Louis Hebel; and

A joint resolution (H. J. Res. 277) authorizing the appointment of Charles A. Boutelle as a captain on the retired list of the Navy.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and forty-five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 15 minutes p. m.) the Senate adjourned until tomorrow, Wednesday, December 19, 1900, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate December 18, 1900.

MINISTERS.

John G. A. Leishman, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Switzerland, to be envoy extraordinary and minister plenipotentiary of the United States to Turkey, vice Oscar S. Straus, resigned.

Arthur S. Hardy, of New Hampshire, now envoy extraordinary and minister plenipotentiary to Greece, Roumania, and Serbia, to be envoy extraordinary and minister plenipotentiary of the United States to Switzerland, vice John G. A. Leishman, nominated to be envoy extraordinary and minister plenipotentiary to Turkey.

Charles S. Francis, of New York, to be envoy extraordinary and minister plenipotentiary of the United States to Greece, Roumania, and Serbia, vice Arthur S. Hardy, nominated to be envoy extraordinary and minister plenipotentiary to Switzerland.

SECRETARY OF LEGATION.

Clarence L. Thurston, of Nebraska, to be secretary of the legation of the United States at Buenos Ayres, Argentine Republic, vice François S. Jones, deceased.

ASSISTANT SURGEON IN MARINE-HOSPITAL SERVICE.

Benjamin S. Warren, of Alabama, to be an assistant surgeon in the Marine-Hospital Service of the United States. This nomination is

made to correct error in the place of residence of Mr. Warren, who was nominated on December 5, 1900, as a resident of Washington, which nomination is hereby withdrawn.

POSTMASTER.

J. M. Patterson, to be postmaster at The Dalles, in the county of Wasco and State of Oregon, in the place of H. H. Riddell, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 18, 1900.

TERRITORIAL ASSOCIATE JUSTICE.

Daniel H. McMillan, of the Territory of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico.

COMMISSIONER OF INTERNAL REVENUE.

John W. Yerkes, of Kentucky, to be Commissioner of Internal Revenue.

POSTMASTERS.

I. T. Bassett, to be postmaster at Titusville, in the county of Brevard and State of Florida.

Newell B. Hull, to be postmaster at Starke, in the county of Bradford and State of Florida.

HOUSE OF REPRESENTATIVES.

Tuesday, December 18, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

SOUTHERN DIVISION OF THE SOUTHERN DISTRICT OF IOWA.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12447) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein."

The SPEAKER. The gentleman from Iowa asks unanimous consent for the present consideration of the bill which the Clerk will report.

The Clerk read the title to the bill.

Mr. HEPBURN. Mr. Speaker, this is simply local in its character and provides for a change in the term of courts in the division of the district court for the southern district of Iowa, and provides for the transfer of cases that have been begun in other divisions that should have been begun in this to this division. That is all there is of it.

Mr. RICHARDSON of Tennessee. I would like to ask the gentleman from Iowa if this has been reported by the Judiciary Committee?

Mr. HEPBURN. It has been reported by the Judiciary Committee.

The SPEAKER. The Clerk will complete the reading of the bill.

The Clerk read as follows:

Be it enacted, etc., That section 1 of said act be amended by striking out the words "on the third Monday of May and the fourth Monday of September of each year" and inserting in lieu thereof the following words, to wit: "on the fourth Tuesday in March and the third Tuesday in October of each year."

SEC. 2. That section 2 of said act is amended by adding to the said section 2 the words "and all civil suits now pending in other divisions of said circuit court for said southern district which, if commenced after the passage hereof, would be brought in said southern division shall, upon the application of either party, be removed for trial, judgment, or decree to said southern division."

The following amendment was proposed by the committee:

In line 3 strike out the word "said" and insert in lieu thereof the word "an;" and in the same line, after the word "act," insert "entitled 'An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein,' approved June 1, 1900."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and being engrossed, it was read the third time, and passed.

On motion of Mr. HEPBURN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

BRIDGE ACROSS MISSISSIPPI RIVER AT DUBUQUE, IOWA.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 5053) to amend an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900.

The Clerk read the bill, as follows:

Be it enacted, etc., That section 2 of an act authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa, approved March 6, 1900, is hereby amended by striking out the words "two hundred" and inserting in lieu thereof the words "one hundred and seventy-five."

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. HEPBURN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 5076. An act to provide for the appointment of an additional district judge in the northern judicial district of the State of Ohio.

J. L. PEARCY.

Mr. JOY. Mr. Speaker, I have a privileged report from the Committee on Accounts, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Missouri offers the following report from the Committee on Accounts, which the Clerk will report.

The Clerk read as follows:

House resolution 317.

Resolved, That J. L. Percy, of Tennessee, be appointed as special messenger to serve in the room assigned the minority side of the House, under the direction of the Doorkeeper, at a salary of \$1,200 per annum, to be paid out of the contingent fund until otherwise provided.

With the following amendments recommended by the committee:

After the word "serve," in line 2, insert the words "during the present session of Congress."

After the word "salary," in line 4, insert the words "at the rate of."

In line 5 strike out the words "until otherwise provided for," and insert, after the word "fund," the words "of the House."

The amendments recommended by the committee were agreed to.

The resolution as amended was agreed to.

MOVING AND CATALOGUING BOOKS AND DOCUMENTS.

Mr. JOY. Mr. Speaker, I also present the following privileged report, which I send to the Clerk's desk.

The Clerk read as follows:

House resolution 313.

Resolved, That for the purpose of completing the work of moving, cleaning, and cataloguing the books, documents, and pamphlets in the House and Clerk's document rooms, under the direction of the Select Committee on the Disposition of Documents, the sum of \$1,000, or so much thereof as may be necessary, shall be paid out of the contingent fund of the House for labor and clerical assistance, upon vouchers to be approved by the Committee on Accounts.

The resolution was agreed to.

WALTER O. HOFFECKER.

Mr. JOY. Mr. Speaker, I also ask for the present consideration of the following resolution (H. Res. 304), which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, to Walter O. Hoffecker the sum of \$53.32, being the amount due him as clerk of the late Representative John H. Hoffecker from June 1 to June 16, 1900, inclusive.

The resolution was agreed to.

On motion of Mr. JOY, a motion to reconsider the several votes by which the three several resolutions were passed was laid on the table.

ORDER OF BUSINESS.

Mr. BABCOCK. Under agreement, this day has been set apart for the consideration of business reported by the Committee of the District of Columbia. I desire, in the first place, Mr. Speaker, to call attention to the fact that Senate bill 1929 has by error been placed upon the House Calendar. It should have been referred to the Committee of the Whole on the state of the Union, as it appropriates real estate and other property belonging to the Government or the District.

The SPEAKER. Without objection, the transfer to the proper Calendar will be made. The Chair hears none.

Mr. BABCOCK. I now move that the House resolve itself into Committee of the Whole on the state of the Union for the consideration of District bills on that Calendar.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MOODY of Massachusetts in the chair.

GRADE CROSSINGS, ETC., OF BALTIMORE AND POTOMAC RAILROAD.

Mr. BABCOCK. I ask the present consideration of Senate bill 1929.

The Clerk proceeded to read, as follows, the bill (S. 1929) to provide for eliminating certain grade crossings on the line of the

Baltimore and Potomac Railroad Company in the city of Washington, District of Columbia, and requiring the said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes:

Be it enacted, etc., That the Baltimore and Potomac Railroad Company be, and it is hereby, empowered, authorized, and required to revise, change, and improve the alignment and grade of its railroad, and to relocate parts thereof within the city of Washington, in the District of Columbia, as hereinafter provided, to wit:

Beginning at a point in its present tunnel under Virginia avenue near the intersection of Eighth street SE., and extending thence by a continuation of said tunnel, with a width sufficient for two tracks, along and under Virginia avenue to the west side of Second street SE.; thence in the open, with a width sufficient for four main tracks, along what would be Virginia avenue if extended through reservation 17, now called Garfield Park, to another section of Virginia avenue as now opened at South Capitol street; thence along said last-mentioned section of Virginia avenue to a connection with its present four main tracks and a right of way near Delaware avenue; thence continuing said four tracks along and on said Virginia avenue and Maryland avenue to the Potomac River; and also from points on said last-described line, that is to say, from east of Sixth street SW.; thence by a curved line with three tracks crossing over Sixth street SW., Maryland avenue, and B street SW., to and upon that portion of the Mall hereinafter described; and from a point west of Seventh street SW. by a curved line, with three tracks over Seventh street SW., Maryland avenue, and B street SW., to and upon said portion of said Mall, with such grade, and at such elevations, with reference to the streets of said city, and on such locations as are shown on plans and profiles prepared by said railroad company, and approved by the Commissioners of the District of Columbia, and as hereinafter specified; it being the purpose of this act that the said railroad shall be located under Sixth street SE., Fifth street SE., Fourth street SE., Third street SE., and Second street SE., in a tunnel as aforesaid; that New Jersey avenue shall be carried over said railroad on an iron or steel bridge; and that said railroad shall be carried over South Capitol street, Delaware avenue, First street SW., Second street SW., Third street SW., Four-and-a-half street SW., Sixth street SW., Seventh street SW., Maryland avenue, and B street SW., and that Ninth street SW., Tenth street SW., Eleventh street SW., and Twelfth street SW. shall be carried over said railroad on iron or steel bridges. The railroad shall also be carried over Water street SW.

REMOVAL OF TRACKS FROM SIXTH, K, AND CANAL STREETS.

SEC. 2. That the said Baltimore and Potomac Railroad Company be, and it is hereby, required to remove its present eastern connection between its passenger station and its line on Virginia avenue via Sixth street, including all tracks on Sixth street, and its western connection via Maryland avenue, and to change and relocate its tracks connecting with the new terminus contemplated by this act, in the manner authorized and provided by the preceding section hereof, and as shown on the plans and profiles in said section referred to, and also shall remove its tracks from K street and Canal street, east of New Jersey avenue SE.; and said tracks which are to be abandoned shall be removed within sixty days after the new track is ready for use, and the roadway of said Sixth street between B street S. and B street N. shall be provided with a modern pavement at the expense of said railroad company, to the satisfaction of the Commissioners of the District of Columbia.

STATION BUILDING.

SEC. 3. That in order to accommodate the increasing passenger, mail, express, and other traffic in the city of Washington the said Baltimore and Potomac Railroad Company shall have and be possessed of the right, which is hereby granted and conferred, to occupy and use, on the conditions hereinafter mentioned, that portion of the Mall lying between B street SW. and B street NW. as the southerly line of said B street NW. is hereinafter defined, and between the west line of Sixth street and a line drawn parallel therewith and 340 feet west thereof, and to erect and maintain thereon a station building and appurtenances, train sheds, tracks, and sidings in connection therewith suitable and adequate for the convenient accommodation of said traffic; and the said Baltimore and Potomac Railroad Company shall, in connection with its occupation and use of the portion of the Mall hereby granted, locate, construct, and maintain beneath its tracks and structures on the line of West Capitol street, as shown on the city maps, a substantial arch or arches not less than 200 feet in width, as a public passageway for vehicular and pedestrian traffic (as shall be approved by the Commissioners of the District of Columbia), which shall be so constructed as to afford roadways and sidewalks; and the said company shall also pave the said passageways at the time of their construction to the satisfaction of the Commissioners of the District of Columbia, but thereafter the maintenance of the pavement and roadways shall devolve upon the said District of Columbia.

TEMPORARY TRACKS.

SEC. 4. That if it should at any time be deemed necessary or advisable, in the construction of the works herein authorized, to lay temporary tracks on any street or avenue to accommodate the business of the Baltimore and Potomac Railroad Company pending the completion of such works, the said company may lay such temporary tracks, subject to the approval and under the direction of the Commissioners of the District of Columbia, and shall remove the same and restore every such street or avenue to its former condition, to the satisfaction of said Commissioners, within sixty days after the completion of the works herein authorized.

REMOVAL OF FISH COMMISSION BUILDING.

SEC. 5. That the United States Fish Commission building and appurtenances, now located on that part of the Mall hereby granted to said Baltimore and Potomac Railroad Company, shall be removed therefrom and rebuilt on the said Mall west of the portion thereof so granted to said railroad company, under the directions of, and according to plans approved by, the Chief of Engineers of the United States Army; and the cost of such removal and rebuilding shall be defrayed by the said Baltimore and Potomac Railroad Company to an amount not exceeding \$40,000: *Provided*, That the expense of such removal and rebuilding in excess of \$40,000 shall be paid by the United States.

RETAINING WALLS.

SEC. 6. That in elevating or depressing its tracks, as hereinbefore authorized, the said railroad company is hereby required to support the sides of all embankments and excavations made in the streets wherein the same are located with suitable retaining walls of stone. These walls, in case of excavation, shall be carried to a height of 4 feet above the revised grades of said streets, or shall be provided with suitable iron railings. The space to be occupied and used by the said railroad company where its tracks are depressed on Maryland avenue shall not exceed 58 feet between the inside faces of the parallel retaining walls, measured at the level of the said tracks, as shown on said plans and profiles.

STREETS TO BE VACATED.

SEC. 7. That to enable said Baltimore and Potomac Railroad Company to effect the revision, change, and improvement in the alignment and grade of its railroad, and the relocation of parts thereof as authorized and contemplated by this act, the following-named streets and crossings in said city of Washington shall be, upon the completion of the work herein authorized, completely vacated and abandoned for public use, namely:

Canal street, as located and shown on the city maps, between South Capitol street and New Jersey avenue.

G street SE. and H street SE., between South Capitol street and New Jersey avenue.

I street SE., between First and South Capitol streets.

Virginia avenue, on the south side of the said railroad, between Second street and Four-and-a-half street SW., and on the north side of the said railroad between Four-and-a-half street and Seventh street SW.

Maryland avenue, on the south side of said railroad, between Ninth and Tenth streets SW.

Maryland avenue, between Twelfth and Fourteenth streets SW.; and in consideration of, and in connection with, the vacation of said portion of Maryland avenue between Twelfth and Fourteenth streets SW., the said railroad company shall acquire and dedicate to the District of Columbia the necessary property to increase the present width of D street SW., between Twelfth and Fourteenth streets SW., 30 feet on the south side thereof.

Thirteenth and Thirteen-and-a-half streets, between D and Water streets SW., and

E street SW. between Twelfth street SW. and Water street.

The following-named streets are hereby vacated and abandoned, namely:

F street SW. and E street SW. where they cross the said railroad;

D street SW. between Four-and-a-half and Sixth streets SW.;

C street SW. between Sixth and Seventh streets SW.: *Provided, however*,

That nothing herein contained shall be construed to prohibit the public authorities from entering upon vacated and abandoned streets and avenues for the purpose of locating, constructing, maintaining, or repairing therein sewers, water mains, gas mains, conduits, or other underground construction necessary for the public comfort, convenience, or health: *And provided further*, That no portion of any street shall be closed under authority of this act until said railroad company shall have secured control of the property abutting upon said portion to be closed, it being the intent hereof that no property owner shall be deprived of egress from or ingress to his property.

CHANGES IN GRADE; WIDENING B STREET.

The Commissioners of the District of Columbia are hereby authorized and directed to make all such changes in the lines and grades of any street or streets in said city as may be reasonably required or deemed necessary or advisable in connection with the revision, change, improvement, and partial relocation of said railroad by this act contemplated, and particularly are authorized and directed to widen B street NW., on its southerly side, between Sixth and Seventh streets, so as to conform to the southerly line of said street as it now exists west of Seventh street, and to widen Seventh street on its easterly side between B street NW. and the northerly line of West Capitol street, as shown on the city maps, as follows: For a distance of 130 feet south from the southerly line of said B street NW., when widened as herein authorized, to a width of 220 feet, and for the residue of the distance to the northerly line of West Capitol street to a width not exceeding 130 feet.

GARFIELD PARK.

SEC. 8. That in consideration of and in connection with the changes and improvements to be made in the said railroad by the Baltimore and Potomac Railroad Company, in conformity with the requirements of this act, the said railroad company shall have and be possessed of the right and privilege, which are hereby expressly granted and conferred, to occupy and use, for tracks and other corporate purposes, all that portion of reservation 17, now known as Garfield Park, which lies to the southward of its main tracks when located as authorized by this act, as well as that portion thereof which shall be occupied by said main tracks as located on said plans and profiles; and also the like right and privilege to occupy and use, for similar purposes, the parts or portions of the several streets and crossings which are by this act vacated and abandoned.

DIVISION OF COSTS.

SEC. 9. That the entire cost and expense of the revision, changes, relocations, and improvements of and in said railroad, as authorized and required by the preceding sections of this act, and of all structures connected therewith or incidental thereto, shall be borne, paid, and defrayed in manner following, to wit: The said Baltimore and Potomac Railroad Company shall bear, pay, and defray all cost and expense of the relocations, elevation, and depression of its tracks within the limits of its right of way as are authorized and required by this act, including the construction of so much of the bridges conveying streets over its tracks, right of way, and other property as shall be within the limits thereof, and the reconstruction within such limits of the streets which shall be carried beneath the same, the cost and expense of removing its tracks from Sixth street north of Virginia avenue, and from K street and Canal street, and the restoration of such parts of said streets for the uses of the public; the cost and expense of constructing and maintaining the arch or arches for passageways underneath its said tracks located on the Mall, as well as the original cost of paving the roadways and sidewalks to be located within the said passageways; and all other costs, expenses, and damages resulting from, incidental to, or connected with the revisions, changes, and improvements in alignment and grades of said railroad, or the relocations thereof by this act required and authorized, and from changes in the grades of the streets or the railroad, and the lawful operation of the said railroad upon the location and structures contemplated and required by this act, and whether to property owners affected thereby or otherwise, as well as the cost and expense of all street approaches to said company's tracks and right of way, whether overhead by means of bridges or under grade, shall be borne, paid, and defrayed in manner following, to wit: Fifty per cent thereof by the United States and the remaining 50 per cent thereof by the District of Columbia, which last-mentioned 50 per cent shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia.

All work within the limits of the said railroad company's right of way, including the bridges within said limits, shall be done by said railroad company to the satisfaction and approval of the Commissioners of the District of Columbia, who are authorized to exercise such supervision over the same as may be necessary to secure the proper construction and maintenance of the said work. And all work which is without the limits of the right of way of said railroad company shall be done by the District of Columbia.

PROPERTY TO BE ACQUIRED BY PURCHASE OR CONDEMNATION.

SEC. 10. That to enable the Baltimore and Potomac Railroad Company to effectuate the purposes contemplated and authorized by this act, the said company be, and they are hereby, authorized and empowered to acquire, either by purchase or condemnation, as hereinafter provided, and, when so acquired, to use the same for tracks and other corporate purposes, and make

all such improvements thereon and thereto as may be deemed necessary, the following properties, to wit: All of squares 462, 463, 463 south, and 493; and also as much land as may be required for tracks and other corporate purposes which lies to the south of the present main tracks of the company between South Capitol and First streets southeast and north of the northerly line of M street: *Provided, however,* That if land shall be acquired south of the present railroad yards and between South Capitol and First streets southeast as in this section authorized the said railroad company shall, when so required by the Commissioners of the District of Columbia, make adequate and suitable provision for carrying such streets as may intersect the same across the tracks which shall be located thereon by overhead bridges in a manner satisfactory to the said Commissioners: *Provided further,* That the cost and expense of raising grades of streets and all approaches to such bridges shall be borne and defrayed by the District of Columbia.

In case the said Baltimore and Potomac Railroad Company can not for any reason agree with the owner or owners for the purchase, use, or occupation of any of the land it is authorized to acquire by purchase or condemnation, then the same may be acquired by the said company in the same manner and by the same procedure as are provided by sections 648 to 663, both inclusive, of the Revised Statutes, relating to the District of Columbia. And it shall be lawful for said Baltimore and Potomac Railroad Company to extend and construct, from time to time, branch tracks or sidings from the lines of railroad authorized by this act into any lot or lots adjacent to any street or avenue along which said lines of railroad are located, upon the application of the owner or owners of such lot or lots, to enable such owners to use their property for the purposes of coal, wood, or lumber yards, manufactories, warehouses, and other business enterprises: *Provided, however,* That no grade crossing of any street or avenue within the city of Washington shall be thereby created, but such connecting tracks shall be carried across such street or avenue in such manner as not to obstruct the free use thereof, and the plans of such connecting tracks shall in every case be first filed with and approved by the Commissioners of the District of Columbia: *Provided further,* That as to square southeast of square 267 and square 270 the Southern Railway Company (a railroad corporation of the State of Virginia, whose trains now move and are expected to continue to move to and from Washington over the tracks of the said Baltimore and Potomac Railroad Company and Washington Southern Railroad Company under agreements existing or hereafter to be made with the last-named companies granting the necessary right therefor) shall have the same rights of acquisition by purchase or condemnation, to be exercised under the same conditions, as are in this act provided for the acquisition of additional land by the Baltimore and Potomac Railroad Company; and such squares when so acquired may be used by said Southern Railroad Company to accommodate the handling and delivery of local freight traffic in the District of Columbia.

LONG BRIDGE.

SEC. 11. That inasmuch as the present Long Bridge over the Potomac River is inadequate for the accommodation of the largely increased railroad and vehicular traffic, is in a measure obstructive of navigation, and needs to be reconstructed, the Baltimore and Potomac Railroad Company is hereby directed and required to remove the present Long Bridge across the Potomac River, and, in accordance with plans to be approved by the Secretary of War, to build on practically the same line a new bridge in lieu thereof, said new bridge to be for railroad purposes only and to be adapted for two or more railway tracks, the Long Bridge to be removed and the new bridge constructed within four years from the date of the passage of this act. The said Baltimore and Potomac Railroad Company shall remove the Long Bridge and shall build, maintain, and keep in repair said new bridge at its own cost and expense, and shall maintain an efficient draw in said new bridge, operating the same so as not to unnecessarily impede the free navigation of the Potomac River at any hour of the day or night, and shall give other railroad companies the right to pass over said bridge upon such reasonable terms as may be agreed upon between the companies or prescribed by Congress.

PASSENGER BRIDGE.

SEC. 12. That the Secretary of War be, and he is hereby, authorized to enter into a contract with the Baltimore and Potomac Railroad Company or any other party to construct within two years after the passage of this act, at a point not less than 500 feet above the site of the present Long Bridge, a new and substantial bridge for highway travel, of iron or steel, resting upon masonry piers and provided with suitable approaches, and with a sufficient draw, all in accordance with plans and specifications to be approved by the Secretary of War; and there is hereby appropriated (one-half out of the revenues of the District of Columbia and one-half out of any money in the Treasury not otherwise appropriated) the sum of \$568,000, or so much thereof as may be necessary, to be paid from time to time, as the construction of the said bridge progresses, by the Secretary of War, under such regulations as he shall prescribe.

The said bridge shall be for highway traffic, and all street railroads chartered or that may hereafter be chartered by Congress shall have the right to cross said bridge on such reasonable terms as may be agreed upon between the companies or prescribed by Congress: *Provided,* That the street railroad now using the Long Bridge shall be permitted to change its location so as to cross the highway bridge herein provided for; all plans for such change to be approved by the Commissioners of the District of Columbia and the Chief of Engineers of the United States Army: *And provided further,* That a standard underground electric system of street car propulsion shall be installed by said company on the park highway leading to said bridge, and that the cost of asphalt paving between the tracks and two feet outside thereof shall be paid by said company. Each street railway company using said bridge shall pay, in addition to other taxes as by its charter provided, one-half of 1 cent for each and every passenger carried across said bridge.

PLANS TO BE SUBMITTED TO DISTRICT COMMISSIONERS.

SEC. 13. That before any portion of the work herein described shall be authorized plans and profiles of the entire work, except such as relate to the new bridges authorized by sections 11 and 12, in accordance with the provisions herein contained, shall be prepared by the said Baltimore and Potomac Railroad Company and shall be submitted for approval to the Commissioners of the District of Columbia. Duly authenticated copies of said plans and profiles shall, after approval, be filed with the Commissioners aforesaid, and all work shall be done in accordance with them and shall be completed within five years from the date of the passage of this act. The company shall also deposit with the collector of taxes of the District of Columbia such sums of money as the Commissioners of said District may reasonably require to cover the cost of District inspection.

TAXATION.

SEC. 14. That the property occupied by the Baltimore and Potomac Railroad Company under authority of this act, together with the improvements which may be put thereon, shall be subject to tax by the District of Columbia the same as other property in the District of Columbia: *Provided,* That no assessment, valuation, or tax shall be made, laid, or levied on the Baltimore and Potomac Railroad Company on account of any bridges, tunnels, elevated tracks, or subway which shall be located, constructed, or maintained under

the authority of this act, and forming part of said railroad, in excess of that which would or could be lawfully made, laid, or levied if said railroad was wholly located and constructed on the surface of the ground; it being the true intent and meaning hereof that any such bridges, tunnels, elevated tracks, or subway forming a part of said railroad shall be assessed and valued for purposes of taxation and taxed on the same basis as any other equal portion of railroad situated within the said District of Columbia not constructed on, in, through, or upon any such bridges, tunnels, elevated tracks, or subway.

RIGHTS OF SUCCESSION.

SEC. 15. That all the provisions of this act, including all rights, powers, and privileges granted to, or duties imposed upon, said Baltimore and Potomac Railroad Company, shall accrue to and devolve upon its successors and assigns; and in case the said Baltimore and Potomac Railroad Company, its capital stock, properties, corporate rights, powers, privileges, immunities, and franchises, shall be merged into or consolidated with the Philadelphia, Wilmington and Baltimore Railroad Company, or any other railroad corporation, to which the assent of Congress is hereby given, then and in that event the company which shall by such merger or consolidation, so acquire the same shall be invested with and possessed of all the rights, powers, property, and privileges of said Baltimore and Potomac Railroad Company within the District of Columbia, as well those granted by this act as those heretofore existing, and shall have and exercise all the necessary rights, powers, and franchises respecting the same as fully as they would have been possessed and exercisable by said Baltimore and Potomac Railroad Company.

REPEAL OF CONFLICTING ACTS.

SEC. 16. That all laws or parts of laws inconsistent herewith be, and they are hereby, repealed.

RESERVED RIGHTS OF CONGRESS.

SEC. 17. That Congress reserves the right to alter, amend, or repeal this act.

Mr. BABCOCK (before the reading of the bill was concluded). Mr. Chairman, in order to save time, and for the convenience of the House, I ask unanimous consent that after this reading of the bill the further reading be dispensed with, and that the bill be open for amendment in any section.

Mr. COWHERD. Mr. Chairman, I stated this morning to the chairman of our committee [Mr. BABCOCK] that the course which he now suggests would, I thought, be perfectly proper and that I would have no objection to it. But I have since suggested the proposition to several gentlemen, and they have stated that they want to offer amendments to different parts of the bill and they prefer it should be read by sections in the regular way.

Mr. BABCOCK. My motion will permit gentlemen to offer amendments to any part of the bill.

Mr. COWHERD. But if the bill be read by sections the amendments can be offered in regular order as the different sections are reached. I suggest to the gentleman that we might dispense with the further first reading and after the general debate take up the bill by sections under the five-minute rule.

Mr. BABCOCK. The gentleman, as I understand, objects to my motion. I move, then, that the further reading of the bill as now in progress be dispensed with.

Mr. WHEELER. I object.

The Clerk resumed and concluded the reading of the bill.

The amendments reported by the Committee on the District of Columbia were read, as follows:

Page 1, line 9, strike out the word "Eighth" and insert in lieu thereof the word "Eleventh."

Page 1, line 11, after the word "for," insert the words "not less than," and after the word "two" insert the words "nor more than four."

Page 5, line 18, after the word "the," at the end of the line, add the words "time fixed for the."

Page 9, line 8, insert the word "it" after the word "as" where it appears before the word "now."

Page 11, line 2, strike out the semicolon where it appears after the word "public" and insert the word "and."

Page 11, line 6, strike out the semicolon where it appears after the word "passageways" and insert in lieu thereof a period; also at the end of said line strike out the word "and."

Page 11, line 7, strike out the small letter "a" in the word "all" and insert a capital "A."

Page 13, line 10, after the word "Columbia," strike out the period and add the following: "and the United States, as hereinbefore provided."

Page 13, line 19, after the word "Columbia," strike out the period and insert a semicolon, and add the following:

"*Provided,* That in every case in which an assessment of the damages or an award shall have been returned by the appraisers, the company, upon paying into court the amount so assessed or awarded, may enter upon and take possession of the land and property covered thereby irrespective of whether exceptions to said assessment or award shall be filed or not, and the subsequent proceedings shall not interfere with or affect such possession, but shall only affect the amount of the compensation to be paid."

Page 14, line 18, after the word "therefor" and the parenthesis, add the words "and its successors."

Page 14, line 23, strike out the word "Railroad" and insert in lieu thereof the word "Railway."

Page 14, line 24, after the word "Company," add the words "and its successors."

Page 14, line 25, after the word "traffic," add the following: "and for its other corporate purposes."

Page 16, line 2, after the word "Company," add the words "or any other party."

Page 16, lines 20 and 21, strike out the word "reasonable," in line 20, and also the following: "agreed upon between the companies or."

Page 16, line 21, strike out the word "street" at the end of the line.

Page 16, line 22, strike out the word "railroad" and insert in lieu thereof the following: "Washington, Alexandria and Mount Vernon Railway Company." Also, at the end of the line, after the word "permitted," insert the words "and required."

Page 17, line 4, after the word "bridge," insert the following: "and no dynamo furnishing power to this portion of the road shall be in any manner connected with the ground."

Mr. BABCOCK. Mr. Chairman, a large map of these proposed changes has been prepared for the information of the House. I desire to ask unanimous consent of the House that the Engineer Commissioner of the District of Columbia may be permitted to come upon the floor and explain the engineering features of this plan. In order that this request may be acted on by the House, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts reported that the Committee of the Whole on the state of the Union, having had under consideration Senate bill 1929, had come to no resolution thereon.

Mr. BABCOCK. Mr. Speaker, there has been prepared for the use and information of the House a large map showing the changes which this bill contemplates—the property which will be vacated by the railroad company and the property which will be occupied by the company. That map is here in the corridor, and I desire to ask the unanimous consent that Captain Beach, the Engineer Commissioner of the District of Columbia, may be permitted to come upon the floor and answer any questions that any member may desire to ask in reference to the engineering features of this proposition. This course, I will say, is usual in the Senate. I believe that on this same bill information was furnished to the Senate in this way.

The SPEAKER. The Chair will cause to be read Rule XXXIV of the House, on the question of admission to the floor.

The Clerk read as follows:

The persons hereinafter named, and none other, shall be admitted to the Hall of the House or rooms leading thereto, viz: The President and Vice-President of the United States and their private secretaries, judges of the Supreme Court, members of Congress and members elect, contestants in election cases during the pendency of their cases in the House, the Secretary and Sergeant-at-Arms of the Senate, heads of Departments, foreign ministers, governors of States, the Architect of the Capitol, the Librarian of Congress and his assistant in charge of the Law Library, such persons as have, by name, received the thanks of Congress, ex-members of the House of Representatives who are not interested in any claim or directly in any bill pending before Congress, and clerks of committees when business from their committee is under consideration; and it shall not be in order for the Speaker to entertain a request for the suspension of this rule or to present from the chair the request of any member for unanimous consent.

The SPEAKER. This rule, it seems to the Chair, is explicit; and it meets completely the request of the gentleman from Wisconsin. This is not the United States Senate, but the House of Representatives, acting under its own rules. Under the specific rule just read, the Chair is not permitted to entertain the request of the gentleman from Wisconsin.

INDIAN APPROPRIATION BILL.

Mr. SHERMAN, from the Committee on Indian Affairs, reported a bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902; which was read the first and second time, and, with the accompanying report, referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

Mr. RICHARDSON of Tennessee. I reserve all points of order upon this bill.

ELEVATED RAILROAD TRACKS, WASHINGTON CITY.

Mr. BABCOCK. Mr. Speaker, I move that the House now resolve itself into Committee of the Whole on the state of the Union to further consider the bill reported from the Committee on the District of Columbia.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. MOODY of Massachusetts in the chair.

The CHAIRMAN. The House is now in Committee of the Whole for the further consideration of the bill S. 1929.

Mr. BABCOCK. Now, Mr. Chairman, I wish to say that I regret exceedingly that the gentleman who reported this bill from the District Committee is indisposed to-day, and unexpectedly it becomes my duty to present the matter to the House. There is a map which I will ask to have placed in the area, so that members can examine it at their leisure.

The map now before you is intended to show the changes of the line, and also the property vacated by the railway company and the lands that are turned over to the railway company to carry out the proposed plan of elevation of the tracks.

The estimated cost of this improvement on the part of the Pennsylvania line, or the Baltimore and Potomac line, reaches the sum of nearly \$6,000,000. Under this bill the contribution that is made by the Government and the District of Columbia is practically all in real estate. I am told by prominent engineers, gentlemen of long experience in their profession, that from an

engineering standpoint this is an ideal plan, one in which they say there must be acquiescence generally and one which will be very difficult to improve upon.

This proposition, I may say, has been before Congress for many years. It was before the committee when I had the honor of becoming a member of this body, seven years since.

This particular bill now before us has been under consideration by the engineers and the Commissioners of the District of Columbia and the Government authorities for four years. It embodies, as I have stated, what is termed an ideal plan from an engineering standpoint. The cost, in the opinion of the District Commissioners and the committee of the House, as well as of the Senate District Committee, and which has been examined into very carefully, should be divided equitably, and it has been suggested that for the elevation proper, that is, the expense incurred in elevating the tracks, the District of Columbia and the General Government should contribute one-half of the total amount, the other expenses to be paid by the railway company itself.

This, gentlemen of the committee, is the Commissioners' bill, which has been worked out by the District engineers in connection with the engineers of the Pennsylvania Company, and is presented here by the consent of the railroad company after four years of negotiation, investigation, and examination.

Now, I apprehend that there can be but little discussion as to the general plan proposed. Members may differ as to the amount of the contribution to be made by the Government to the railroad companies, respectively, in the proposed improvements. But I want to say that not only this bill, but the bill elevating the tracks of the Baltimore and Ohio Railroad Company I believe present features of unusual interest and importance, and will result in making the grandest and most convenient terminals enjoyed by any city in the world. Of course, in doing this work and making the changes, it necessarily requires the use of grounds and streets, and results in criticism to a certain extent from some quarters. But as a rule the people of the District of Columbia are behind the proposition. I would say that ninety-nine out of one hundred favor it; that the people and taxpayers of the District unite in the consensus of opinion as to the desirability of this project, as agreed upon by the District Commissioners, the railway company, the Senate of the United States, and your House committee, after long investigation, and we present this bill, gentlemen, with its many details, for your approval to-day.

I wish to say frankly that it has been practically impossible for any member of the District Committee to familiarize himself with all of the details of the measure. When you stop to consider that this is a plan which has required the study of four years on the part of men who have given their entire time to it, you will realize the difficulty that we have had in going over all of its details, examining the reports of the committees and various engineers to which they have given so much time. I believe that this measure, if enacted into law, will meet the requirements of the city for a century to come; and while these differences to which I have alluded may come up between the railroad company and the general public as to what each should contribute in the matter, I think the project is so vast and desirable that all small matters can be readily overlooked in attaining the general results so desirable.

I reserve the remainder of my time.

Mr. COCHRAN of Missouri. I would like to ask the gentleman a question.

Mr. BABCOCK. Certainly.

Mr. COCHRAN of Missouri. Will the gentleman state, in acres, how much land within the limits of the city is transferred to the railroad company in this connection?

Mr. BABCOCK. If the gentleman will examine the committee report, he will find all of its details given in exact terms as to what the bill covers.

Mr. COCHRAN of Missouri. Then let me ask if you are familiar with any case in which any American city has made a contribution like this toward expenditures necessary to protect the terminals of a railroad company?

MESSAGE FROM THE PRESIDENT.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed bill and joint resolution of the following titles:

On December 11, 1900:

H. R. 4400. An act for the relief of Frank E. Kellogg, collector of the Sixth internal-revenue district of Missouri.

On December 18, 1900:

H. J. Res. 281. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1900, on the 20th day of said month.

GRADE CROSSINGS, ETC., BALTIMORE AND POTOMAC RAILROAD COMPANY.

The committee resumed its session.

Mr. BABCOCK. The Commissioners reported upon that subject, and I believe contributions have been made in every city, practically, where elevations have been made, perhaps with the exception of Chicago.

Mr. GAINES. Now will my friend yield?

Mr. BABCOCK. Yes.

Mr. GAINES. You spoke of some people objecting to this. Will you please state what the grounds of their objections were?

Mr. BABCOCK. Yes. The principal objection that has been raised to this bill is that it takes quite a considerable portion of what is known as the Mall, where the Pennsylvania depot is now located. In order to give the company more room to build its proposed new station for the accommodation of the traveling public this is necessary. It also takes some land to widen B street in front of the station.

Mr. GAINES. It takes whose land?

Mr. BABCOCK. The land in the Mall.

Mr. GAINES. Belonging to whom?

Mr. BABCOCK. Belonging to the District of Columbia.

Mr. GAINES. It takes public property?

Mr. BABCOCK. Yes.

Mr. GAINES. Your proposition is for the Government to cede to the railroad company land upon which to make these improvements?

Mr. BABCOCK. In this particular instance, yes.

Mr. GAINES. How much ground?

Mr. BABCOCK. The station now occupies a portion of the Mall. The station will be built upon the ground where it now stands; but it will be larger and cover considerably more ground.

Mr. GAINES. I think there ought to be a better depot there. I am trying to get some information.

Mr. BABCOCK. The proposition is to expend a million and a half of dollars in building the station.

Mr. GAINES. Who is to spend it?

Mr. BABCOCK. The railroad company.

Mr. GAINES. How much is this land worth?

Mr. BABCOCK. I think the Commissioners estimated it at \$2.50 a square foot.

Mr. GAINES. What do you think it is worth? You know something about land.

Mr. BABCOCK. Well, my opinion would not be of much value.

Mr. GAINES. Do you think that is a reasonable price for it?

Mr. BABCOCK. I have heard no criticism upon the amount fixed, except by the railroad company. They say it is not worth it.

Mr. GAINES. Does the committee make any report specifically on that?

Mr. BABCOCK. No; not specifically on that.

Mr. GAINES. Is the report of the committee unanimously in favor of the proposition?

Mr. BABCOCK. No; there is a minority report.

Mr. GAINES. Has that been read?

Mr. BABCOCK. I think not.

Mr. COWHERD. I am going to explain that now.

Mr. BABCOCK. The reports have not been read.

Mr. GAINES. I thank the gentleman. I am just trying to get some information.

Mr. RIXEY. Will the gentleman from Wisconsin yield for a question?

Mr. COWHERD. I hope this will not come out of my time.

Mr. BABCOCK. If gentlemen will turn to page 22 of the report, they will see a statement of the amount of ground proposed to be taken—about 34½ acres all told.

Mr. GAINES. Do you mean to say that you want that much ceded to the railroad by the Government—34½ acres?

Mr. BABCOCK. About 34 acres; yes.

Mr. GAINES. What is the Government doing with this property now?

Mr. BABCOCK. Well, it is practically all vacant property. A portion of it is one side of Garfield Park. There is a strip off the Mall and a portion down farther.

Mr. HULL. A large part of this is now used by the railroad company, is it not?

Mr. BABCOCK. Oh, yes.

Mr. RIXEY. Will the gentleman from Wisconsin yield for a question?

Mr. BABCOCK. Yes.

Mr. RIXEY. I notice on page 17 of the bill that the Washington, Alexandria and Mount Vernon Railroad Company is required to use the highway bridge. That seems to be an amendment by the House committee. I want to know the reason for that. Would it not be as well to leave that matter where the Senate left it, to be agreed on between the railroad company and the Mount Vernon Railroad Company?

Mr. BABCOCK. The Senate provision left this bridge open to all street railway companies that wanted to cross, and took the control entirely away from Congress. For that reason it was amended, intending to preserve the right of this road, which now crosses the bridge, but not to give a general omnibus right to every road which might want to cross.

Mr. RIXEY. I will call the attention of the gentleman to the fact that this amendment requires the Mount Vernon road to use the highway bridge. Now, this Mount Vernon road is more like an ordinary railroad through the country than it is a street railway. It does not stop at street corners for passengers. It has regular depots, a regular corps of telegraphers, and is run by telegraphic order. It seems to me that ought to be left subject to agreement with the railroad companies.

Mr. BABCOCK. Your idea would be to strike out the word "required?"

Mr. RIXEY. Yes.

Mr. BABCOCK. I do not see any objection to that. It was not the intention of the committee.

Mr. RIXEY. Then I expect I can prepare an amendment for it.

Mr. BABCOCK. Yes. You had better strike out the words "and required."

Mr. FITZGERALD of New York. I would like to know what provision is made about the damages to property. I have just received a letter from some property owners in Eckington.

Mr. DALZELL. That is another road.

Mr. BABCOCK. That is not in this bill. I reserve my time, Mr. Chairman.

Mr. COWHERD. Mr. Chairman, it seems to me that in consideration of this proposition, a proposition that appropriates more than two and a half million dollars of the people's property, and calls for an appropriation of \$568,000 additional in money, that it ought to have the careful attention of the House. Now, the chairman says that it is customary for cities to aid railroads in the question of elevating tracks. I do not want to go into that proposition at this time, but I want to submit to the House that in every case where any city has assisted a railroad in the matter of elevation, the equities have been considered, unless there was a specific law apportioning the different parts that each was to pay.

The Pennsylvania Railroad, known in this bill as the Baltimore and Potomac, comes into the city of Washington over a bridge built by the Government, for which they never paid a single, solitary cent; they come into the city of Washington over streets dedicated to them by the Government, for which they have never paid a penny. Their terminal station is situated on a public reservation in the city of Washington, for which they have never paid a single dollar. Now, every man knows that in building a railroad the greatest item of cost is the cost of terminal stations, the acquiring of land in the great cities where the railroad is to end; and here is a great railroad, entering a great city, and it has never paid a single, solitary dollar for these, the three greatest items of expense that any railroad must pay when it enters Washington.

Mr. BABCOCK. Will the gentleman permit an interruption?

Mr. COWHERD. Certainly.

Mr. BABCOCK. Is it not known to all members that the citizens of Washington at the time the Baltimore and Potomac Railroad was built in here would have given them the right of way through Pennsylvania avenue if it was necessary to get them to build into the city?

Mr. COWHERD. That does not alter the facts I have stated at all, if it was true at the time that railroad was built in here.

Now, Mr. Chairman, in considering this proposition, it seems to me there are two or three things that the House wants to consider. First, they want to know the necessity for the change; next, they want to know the cost of the change, and, next, they want to know whether the necessity is so great as to be equal to the amount of money and property that we are to give for it, and, lastly and most important, in my mind, they want to know whether this proposition involves certain rights of the Government that, to my mind at least, are far more even than the two and one-half millions of property we give away. In the first place, I want to call attention to the fact that the Pennsylvania Railroad as it comes into the city does not run over the best part of the city of Washington by any means. It is largely down along the river front, and largely along property that is of no very great value, that is now being used for coal yards and switches, and there is no great necessity for this change.

I submit it would be better, better for the company, better for the city, if the tracks are elevated, or at least the grade street crossings abolished; but I contend that there is not the necessity for it in regard to the Baltimore and Potomac that does exist with reference to the Baltimore and Ohio. The very gentleman who reported this bill, when a proposition providing that the Pennsylvania should have authority to build side tracks and switches in that part of the city and operate their lines through certain Government property was before the House about ten years ago, designated this part of the city as "Mud Hollow" and

"Hell's Bottom." I do not propose to give it any such names, but no one will contend that it is in the most valuable or the best portion of the city.

Now, in addition to that, I want to call attention to the fact that the city of Washington is not a great commercial city, and I hope it will never be, and ought not to be. It is to be the capital of the nation, and if we are to make it a beautiful city, which it will be, it should not be a great manufacturing city, with the great business interests that are inimical to the building or maintaining of a beautiful city.

Now, I want to call attention to what the company gets. I will ask gentlemen to turn to the report of the majority in this case, on page 22, where they will find the report of Colonel Bingham to Gen. John M. Wilson, the officer in charge of public buildings and grounds. I want to say that while the chairman of the committee suggests that the District Commissioners and the citizens are in favor of it, the officers in charge of the public property in the District of Columbia, the Secretary of War, through his subordinates, reports directly against the bridge proposition and against giving them any of the land on the Mall and at Garfield Park.

In the minority report we estimate the value of the property, including the apportionment of \$568,000 for the bridge, at \$2,212,500. Gentlemen will observe that it is something more than the estimate in the Senate report. The answer is this: The Baltimore and Potomac now occupies about 4 acres of the Mall, or 129,000 square feet, not included in the Senate estimate, although they do not own the property and never did. This bill, however, will give it to them, but they do not own it now.

Mr. RIXEY. Does the bill give it to them in fee simple?

Mr. COWHERD. Oh, it practically gives it to them forever. Gentlemen know that if they are permitted to go there and erect a two-million-dollar depot and tracks, no Congress hereafter will ever remove it, and therefore it practically gives it to them forever.

Now, I want to call attention to the fact that while I estimate the cost to the Government at \$2,212,000, I have not estimated the public lands taken by more than 8 acres of Government reservation. I did not do that because they are the small reservations that you will note marked along the map, and I knew nothing about the value of them. Now, then, I submit, in the first place, that the cost here is greater than the value of the work you will obtain after it is done. In order to get the tracks elevated and depressed, you are paying practically out of the people's money and property two and one-half million dollars. I submit that is more than the work will be worth to the Government after it is completed.

There is another proposition in this case that to my mind is more important than the question of giving away the people's property.

Mr. WILLIAMS of Mississippi. Before the gentleman from Missouri passes on to that question, I want to ask a question.

Mr. COWHERD. Certainly.

Mr. WILLIAMS of Mississippi. I understand that in addition to giving the railroad company all this land, we pay every cent of the cost of elevating and depressing the tracks?

Mr. COWHERD. No; the gentleman is mistaken in regard to that.

Mr. WILLIAMS of Mississippi. Tell the committee how that is.

Mr. COWHERD. The railroad company pays for the cost of changing the tracks, but the Government and District pay the cost of conforming the streets to the tracks and carrying the ways over and under the track, and the cost of approaches.

Mr. GAINES. What is that estimated to cost?

Mr. COWHERD. Two hundred and fifty thousand dollars; but I personally have no doubt that that estimate is much too low, because I know there are several places where there will have to be long approaches built past property already improved; and while the Commissioners estimate the probable damages at \$50,000, I can not see why the property owners will not be entitled to much larger damages; and the cost of bridges and approaches and street changes is estimated at \$200,000.

Mr. FITZGERALD of Massachusetts. What is the assessed value taken by the improvement which the Government will have to pay for, or will have to be paid for by the city? I mean in the change of streets and grades.

Mr. COWHERD. I do not understand that any property will be taken that will have to be paid for by the city. The city will have to pay for the damages to property by reason of the change of grade, and will have to pay for conforming the streets to the tracks.

Mr. GAINES. The gentleman makes an estimate leaving out the 8 acres. How much will the 8 acres be valued at?

Mr. COWHERD. I have no estimate for that, and therefore I make none.

Mr. HENRY of Connecticut. The railroad company occupy this property now, do they not?

Mr. COWHERD. I want to call attention to that point by

referring to the map. The gentleman from Connecticut has asked me whether the railroad company do not now occupy this property. They do not now occupy the property proposed to be given.

The railroad now comes into the tunnel here [illustrating]; comes up in this direction, cutting off a part, I think, of Garfield Park, and then runs through, as indicated, on the street line; then coming in at this point [illustrating] and coming through; then coming down Sixth street, crossing over into the reservation known as the Mall, and running up to the terminal station.

It is proposed that this tunnel shall be straightened and extended so that the railroad will come up on the line of Virginia avenue, and when it reaches Garfield Park shall come out of the tunnel just about that point. At its crossing of New Jersey avenue [indicating] the railroad will be about seven feet below the surface, and New Jersey avenue will be carried over on a bridge. When it reaches this avenue [indicating] the elevation will be about twenty feet, and the street will pass under. From that point the road goes on as an elevated structure about twenty feet high. All of Garfield Park lying to that side [illustrating] of the railroad is given to the company in this bill.

Mr. BABCOCK. I think the gentleman's statement is misleading. The portion of the park which he now points out is now occupied, as I understand, by the main line.

Mr. COWHERD. No; the main line comes up here [illustrating]. A portion of the park here is occupied, but none of this portion. The main line is changed to that point [illustrating]. As I understand, the railroad now occupies something over 5 acres of the park, and we propose to give them by this bill 12 acres.

A MEMBER. In addition?

Mr. COWHERD. No, 12 acres in all—6.20 acres in addition to that they now occupy.

As I have said before, the present occupation is temporary. The company has never paid a cent for it. It has never been given to them or appropriated to them. They have simply been permitted to run their tracks over it.

I say frankly I do not object to this bill on account of its giving the company a portion of Garfield Park. If this improvement could go through, with the station removed from the Mall, I would not object to giving that land in Garfield Park and would not object to giving the right of way along the streets. But I want to call attention to the fact that we practically give this company 14 acres out of the very heart of the Mall. Here are the tracks running down Sixth street [illustrating], and here is Seventh street. It is proposed to widen Seventh street. The remainder of the block extending from B street NW. to B street SE. is given to the company forever. Then they propose to erect a depot and over it run tracks, seventeen or eighteen in number, if I remember rightly.

I suggest to the House that to-day we are going out and buying grounds for public buildings and making public reservations. A few years ago we spent almost a million and a half of dollars to acquire property adjacent to Rock Creek for a public park. We spent I do not know how many millions to get land for the Public Library. A proposition is now being discussed in the papers to condemn all the property on the south side of Pennsylvania avenue to be used for buildings which the Government may need in the future. And now, while we are buying property for public use at great public expense, it is proposed that we give to this railroad company 14 acres of as good land as lies in the city of Washington. And in this way we propose to cut up and ruin forever the most magnificent reservation in this capital city. [Applause.]

When the gentleman talks here about wanting to put the railroad terminals in the best shape, such shape so as to beautify the city, I say the minority of the committee stand here to-day representing those who desire to make this a beautiful city in the interests not only of the District of Columbia, but of all the people of the United States. Every man in the United States has an interest in that magnificent reservation. It is marked off on the original plans of l'Enfant. It was reserved by Washington to be the best of all the city's system of parks. It lies in the center of the city; and I say to you here and now that if this city is to be made—as it should be made—the most beautiful capital under God's sun, you never can make it such if you give to this railroad company those 14 acres in the center of that park.

There lies for the landscape architect and the landscape gardener an opportunity which exists in no other city in the world; and it is proposed to-day to give away that opportunity in order that people traveling by this railroad may land a few feet nearer Pennsylvania avenue. That is all there is of it. You can give this company the right to condemn land on this reservation up here [illustrating] and you can give them the right to erect a station there [illustrating]. That will only be two minutes farther than the present location from Pennsylvania avenue for a person walking, and less than a minute for anyone riding in a cab or carriage.

Two street railway lines connect all of the important systems in the city; there is no difficulty in reaching any portion of the

city from this location, and the slight inconvenience which would be occasioned by the change in the location of the new station would be absolutely infinitesimal. And yet, notwithstanding this fact, you propose to ruin that magnificent park, to ruin the plans which have been so long cherished for the future of this city, and locate the depot at this point simply because you claim it is a little bit more convenient for those people coming in or leaving the city. I object to it. We should not destroy that magnificent property.

Mr. PEARRE. I would like to ask the gentleman if he is in favor of selling this property?

Mr. COWHERD. No, sir, I am not. I was endeavoring to show that I am not either in favor of selling or giving it away.

Mr. PEARRE. I thought your objection was to giving it away.

Mr. COWHERD. No; I object to either plan. I would prefer, as the founder of the city intended, to reserve these open places for the adornment of the city, for the purpose of making this the most beautiful capital on the face of the earth. And when you give away or sell this property, then you destroy the possibility of carrying out the great purposes which the eminent founder of the city had in view and which we all desire to see accomplished.

Mr. PEARRE. What is the present occupation of that portion of the Mall to which you refer?

Mr. COWHERD. Why the railroad company has a temporary right to occupy 5 or 6 acres of public ground there; and let me say to the gentleman from Maryland that when they got that it was with the right to lay only two tracks; and it was stated in the Senate that they only had a temporary right at that, with the privilege to lay only two tracks and intended to run no engines over it at all. Yet they have made a myriad of tracks and are running trains every hour of the day through there.

Mr. SIMS. Let me ask the gentleman a question.

Mr. COWHERD. Certainly.

Mr. SIMS. Would it not be better to make a direct appropriation of money equal to the whole amount carried by the bill—that is, equal to the value of the 14 acres proposed to be donated—if necessary to do so and to accomplish justice to the railroad company, rather than to give up this property?

Mr. COWHERD. Well, for myself, I would rather give outright the \$2,000,000 than to accomplish the destruction of this park in this manner, but I am not in favor of doing either.

Mr. SIMS. That is what I wanted to bring out.

Mr. COWHERD. Now, Mr. Chairman, I have an amendment prepared, which I shall offer at the proper time, giving the railroad company all the rights granted in this bill, except that this reservation shall be untouched, and requiring them to remove the tracks from Sixth street and locate the depot between B and D streets and between Sixth and Tenth streets, as they may find most convenient, with the right to use such reservations as lie between these points. This will give them all the rights that could possibly be required. They can construct their depot then at this point on the map [indicating] in place of the one suggested, and there will be no inconvenience to the people coming in or leaving the city as compared with the location proposed here.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Certainly.

Mr. NEWLANDS. Is the location of the depot which the gentleman proposes the same as that proposed upon the plan now before us as prepared by the landscape architect?

Mr. COWHERD. I was just coming to that.

Mr. GROUT. In that connection I would like to make an inquiry.

Mr. COWHERD. Certainly.

Mr. GROUT. If the depot is located where the gentleman indicates on the map, would it require to be elevated in order to accommodate itself to the tracks?

Mr. COWHERD. It would require to be elevated, of course, if the tracks were elevated.

Mr. BABCOCK. If you get rid of Dead Man's Curve you must elevate the tracks.

Mr. COWHERD. That, as I understand it, will be done by a tunnel.

Mr. BABCOCK. Then the tracks must be elevated at the point the gentleman indicates.

Mr. COWHERD. Certainly, and the depot would have to be elevated to accommodate the elevated tracks.

Now, in one of the last appropriation bills passed a year ago \$4,000 was appropriated under instructions to the Secretary of War to employ the services of a landscape architect to investigate and report upon a plan for the permanent improvement of the Mall. Those plans have been drawn by Mr. Parsons. They are shown here on the large map, the Capitol grounds, the Monument, and the White House being shown, as gentlemen can plainly see. The plans attempt to show what is eventually intended to be a connection with Rock Creek Park.

I do not commit myself, and I do not ask or attempt in any way to commit the House, to any approval of those plans, but I offer them, showing what magnificent improvements can be made upon that public reservation, if you will keep the railroad company off.

I want to call attention to the fact that the landscape architect who has presented these plans has located the depot out here on the south side, and he states specifically in his report that the depot located in the heart of the Mall and the tracks running across it will forever prevent any proper permanent improvement of the Mall. Why, gentlemen, it is intended here that the depot shall be a solid structure, with some eighteen or twenty tracks, running clear across the park, and that the only way under it will be by arches—the bill states not less than 200 feet of space—by an arch or arches. And the plans of the District Commissioners provide only for the carrying of South Capitol street through under an arch of 50 feet.

Mr. WILLIAMS of Mississippi. Will the gentleman point out where the depot will be located?

Mr. DINSMORE. Where the depot will be located according to the bill.

Mr. COWHERD. According to the bill, the property given to the railroad company would be this which I point out on the map. This is Seventh street, and Sixth street, as you see, would run through here, and the bill would take out all that part of the property and give it to the railroad company for their terminal station.

Mr. FITZGERALD of Massachusetts. That would make impossible a direct connection between the Capitol and the Monument.

Mr. COWHERD. It would make impossible any kind of connection, except by an archway underneath these tracks, and it would cut off any hope of ever treating that public reservation as a whole.

Mr. DINSMORE. It would deface that part of it forever.

Mr. COWHERD. Certainly.

Mr. GROUT. Does the depot, under the Parsons plan, take any portion of the park except the building indicated down here?

Mr. COWHERD (referring to the map). This is the building indicated here. The Parsons plan provides for taking some additional property that is not in the reservation as it now stands. The depot as it is shown on the Parsons plan will be located just about here [indicating].

Mr. GROUT. But it would take none of the present Mall.

Mr. COWHERD. It would take none of the present Mall, as I understand it.

Mr. BABCOCK. It shows in that plan that they have taken a portion of it.

Mr. COWHERD. This is Maryland avenue. Gentlemen will notice that Maryland avenue runs south of the present Mall.

Now, Mr. Chairman, as I stated at the outset, I do not wish in any way to insist that the House should express any approval or disapproval of the plans. It may be that this is too expensive a plan. It may be that it takes too much property. But I do submit that we want to see this city made a beautiful city, and if we do, the distinctive feature of the future in the treatment of the nation's capital will be the treatment of this magnificent reservation.

Mr. DALZELL. I should like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. COWHERD. Yes.

Mr. DALZELL. Does this plan simply take property that is now public property?

Mr. COWHERD. It does not.

Mr. DALZELL. Does it contemplate the condemning of private property?

Mr. COWHERD. It contemplates the condemning of property up to Pennsylvania avenue, and down to Maryland avenue on the other side.

Mr. DALZELL. Taking private property on both sides of what is now public property.

Mr. COWHERD. Yes.

Mr. DALZELL. What is the anticipated cost?

Mr. COWHERD. I do not know, but it will be quite large.

Mr. WILLIAMS of Mississippi. It does not take private property on both sides, does it?

Mr. DALZELL. Yes; on both sides.

Mr. COWHERD. On both sides.

Mr. DALZELL. Can you give us an idea of what the cost would be?

Mr. COWHERD. I can say this: I have read in a newspaper that there has been a rough estimate by Mr. Parsons that, including the extension out to Rock Creek, it might run up as high as seven and a half million dollars. That is what I suppose the gentleman wants. That includes the condemnation of large portions of property, as you will see, reaching toward Pennsylvania avenue on the north and toward Maryland avenue on the south, and the extension out to Rock Creek Park. But permit me to say that even if you do not condemn that property, if you make no

effort to acquire that property, which means a large part of this expense, if you keep this railroad off the Mall, you will still have the right to treat that reservation as a whole, and have here in the city of Washington and in the heart of the city the most beautiful park in the world at a comparatively small cost.

Mr. GAINES. Was not that approved by Washington?

Mr. COWHERD. Washington was one of the commissioners to lay off the city, and approved the plan of l'Enfant.

Mr. PEARRE. Will the gentleman state whether that space is entirely uncut now?

Mr. COWHERD. I thank the gentleman for the suggestion. I want to call attention to that part of this proposed plan, so as to see what is done in that respect. Of course the space known as the Mall is cut by streets.

If this proposed plan is adopted, it is intended to consolidate the traffic into four streets—Four-and-a-half, Seventh, Twelfth, and Fourteenth streets. It is intended that the street cars and the heavy traffic should go down these streets, the road of which will be slightly depressed, and the pleasure traffic will follow these curved driveways and the boulevard will go over bridges spanning the road, either going this way or coming from that way, so that the traffic streets will run through, but the heavy traffic that will run thereon will in no way injure the park or destroy the great opportunities of this reservation.

I would like to call some attention to the particular features of this bill. We are called on to give away two and a half million dollars for the purpose of eliminating grade crossings. We abandon fifteen streets in order to eliminate grade crossings on twenty-two streets. That is exactly what is done in this bill. If gentlemen will turn to page 13, they will find a list of the streets that will be actually closed and abandoned, and some small ones that are not included.

Mr. WM. ALDEN SMITH. Will the gentleman state whether these streets that are to be abandoned have been improved?

Mr. COWHERD. We learn from the report of the Commissioners of the District that wherever the railroad owns the street it is of no importance at all that the street should be abandoned. Wherever they do not own it they go to an enormous expense in order to carry the street over it. You will find in the report of the Commissioners certain squares owned by the railroad company, and that where these streets touch on these squares we abandon and vacate them.

Mr. WM. ALDEN SMITH. What I wanted to know is, whether these streets that are to be abandoned have been improved, and are they now in such a condition that they can be traveled?

Mr. COWHERD. A portion of them have been paved, I understand.

Mr. BABCOCK. Is it not a fact that wherever the street is vacated the Commissioners have required the railroad company to purchase and own the abutting property?

Mr. COWHERD. Yes; where the street is vacated; but if it is necessary to go to the expense of two and a half millions of dollars to eliminate about half of the grade crossings, why should it not be cheaper for the railroad to own all the abutting property? We could buy the abutting property clear along the line and abandon all these streets for that money. I do not understand that because the railroad owns the abutting property on each side that the passage to the property beyond would not be hindered and obstructed by vacating the streets.

I want to call attention to the fact respecting streets wherein the grade crossings are eliminated. As I said, 15 streets are to be abandoned and 22 grade crossings eliminated. Of these 22, 10 are eliminated by carrying the streets over the railroad, and 5 of that 10 by elevated bridges that will require a considerable approach to be built. That means a great inconvenience to the traveling public and means a great cost to the people. Now, of the 12 where grade crossings are eliminated by elevation of the track, in 5 of these cases we have to lower the street for the tracks to be sufficiently elevated to eliminate the grade crossing, and this means cutting down the streets from 1½ feet in the lowest to 10.65 feet in the largest change.

So I again assert that while this may be an ideal proposition from an engineering standpoint, as the chairman has stated, it is not an ideal plan from the standpoint of the Government, from the standpoint of the citizen owning property along this right of way, or from the standpoint of the condition in which the Government reservations are to be left.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. COWHERD. Certainly.

Mr. NEWLANDS. Referring to this plan, as I understand, the present station is on the corner of Sixth street?

Mr. COWHERD. On the corner of Sixth and B.

Mr. NEWLANDS. It would have just about this location, between Sixth and Seventh streets [indicating]?

Mr. COWHERD. Yes, sir.

Mr. NEWLANDS. Now, the plan of Mr. Parsons proposes

the acquisition by the Government to the line of Pennsylvania avenue?

Mr. COWHERD. Yes, sir.

Mr. NEWLANDS. And the construction of a number of handsome public buildings along that line?

Mr. COWHERD. And that all further intended public buildings should be constructed along that line.

Mr. NEWLANDS. I ask if it would not be possible to provide that the railroad should purchase the property in front of B street, between B street and Pennsylvania avenue, and put a station there and thus carry out this plan, the station being one of the public buildings contemplated by this plan; whether or not the tracks running up there could not be depressed or run in a tunnel in such a way as not to interfere with the general beauty of the park?

Mr. COWHERD. Unquestionably it could not under the provisions of this bill.

Mr. NEWLANDS. I do not mean under the provisions of this bill. I ask whether or not that plan is not practicable?

Mr. COWHERD. I do not know whether it is practicable or not. I have heard some objection to a tunnel along the line of the road, because it is said that the land is so low that it would be full of water. But if it were practicable, the tunnel would have to begin way back. If the road came in in a tunnel all the way it could go through under the park and come out at its station, as you suggest.

Mr. NEWLANDS. Does not the plan propose to elevate the tracks?

Mr. COWHERD. Elevate the tracks and elevate the station, and run clear across the Mall.

Mr. NEWLANDS. What is the elevation?

Mr. COWHERD. I think about 20 feet.

Mr. BABCOCK. Mr. Chairman, I want a few moments to answer some of the propositions made by the gentleman from Missouri [Mr. COWHERD]. I think I can show, Mr. Chairman, that his argument in reference to the Mall and the land taken there falls to the ground when properly understood. I will endeavor to explain that situation now. The black lines on this map represent the present tracks. They are to be abandoned. The red lines are the ones that will be maintained. Now, if the committee will notice, the railroad company has the whole of Sixth street. This will be given back to the public and opened clear through under the track; and I submit, gentlemen of the committee, that there is nearly as many feet of ground in Sixth street from this point here up to Missouri avenue as is taken out of the Mall by this plan. The green on the plan shows the streets, and this part here shows the portion that is taken under the proposed bill. Here are the tracks on the Mall, and the street is widened down the full width and dropped back some 40 or 50 feet for the greater convenience of the public.

Mr. DINSMORE. Will the gentleman from Wisconsin allow me a question?

Mr. BABCOCK. Certainly.

Mr. DINSMORE. While it is true that all that land is taken there by the railroad and used now, it is only a temporary occupation. It need not necessarily be permanent?

Mr. BABCOCK. None of the land is given in fee simple by this bill. Congress reserves the right to amend or repeal.

Mr. COWHERD. When this great improvement shall have been made, does not the gentleman deem it to be permanent to the extent that no Congress could ever, or would ever, remove it?

Mr. BABCOCK. I think the gentleman from Missouri is correct. I think the occupancy there is practically permanent now. I think it would be extremely difficult to oust the Pennsylvania road from the property they have at present in the city.

Mr. FITZGERALD of Massachusetts. Was not it expressly understood when the ground was given to the road that it was a temporary occupation?

Mr. BABCOCK. I am not familiar with that subject.

Mr. CANNON. Will the gentleman from Wisconsin permit me a question?

Mr. BABCOCK. Of course.

Mr. CANNON. Let me ask the gentleman: As I understand it, the land now occupied by the railroad across the Mall is occupied by what amounts to a license not given in fee?

Mr. BABCOCK. I understand it so.

Mr. CANNON. I understand, not from reading the bill, but it is what I want to find out, that it is proposed by the grant contained in this bill to give a license and not give it in fee?

Mr. BABCOCK. Not in fee.

Mr. CANNON. But the gentleman has said now that, from a practical standpoint of the interests of the public and the interests of the road and the interests of the District, he is satisfied that it is practically impossible to move the railroad with its depot from the location it has now?

Mr. BABCOCK. The Commissioners say it is absolutely impracticable, and the committee believed it to be so.

Mr. WHEELER. Why?

Mr. CANNON. For the same reason that it would be impracticable if the larger grant was made, as the gentleman from Missouri [Mr. COWHERD] has already explained.

Mr. WHEELER. Under this easement they have practically a fee simple title, have they not?

Mr. BABCOCK. Oh, no.

Mr. DINSMORE. What would be the objection to removing the station farther back, so that it would not encroach upon the Mall?

Mr. BABCOCK. In the first place, there is no citizen of the District of Columbia who would not protest against the station being put back nearly half a mile, or certainly a quarter of a mile—back here on the other side of the Mall.

Mr. DINSMORE. I understood the gentleman from Missouri [Mr. COWHERD] to say that it would not be more than a thousand feet.

Mr. BABCOCK. It would be much more than a thousand feet if placed back of the Mall.

Mr. RICHARDSON of Tennessee. If the station were moved back a thousand feet, as the gentleman from Missouri has suggested, would not the Seventh street line of railway and the other line run very near this station? The Seventh street line would run right under the shadow of the station.

Mr. BABCOCK. Two car lines already cross the Mall—one on Seventh street and one on Four-and-a-half; and whatever may be done about this improvement, I do not think it is intended to dispossess or take up the street-car lines which now cross the Mall.

Mr. RICHARDSON of Tennessee. Would not those street-car lines accommodate all the people who may be going to and from that depot?

Mr. BABCOCK. Oh, yes. In the same way it may be said that they would be accommodated if they were obliged to go down to the oyster wharves in order to take the train for Chicago or New York.

Mr. FITZGERALD of Massachusetts. Does not the gentleman from Wisconsin believe that the people of the United States who own all this territory are more interested in a magnificent park system in this magnificent capital than in the convenience of a few persons who may be benefited by placing the railroad station adjoining Pennsylvania avenue? And is not that a consideration which ought to appeal to members of the House?

Mr. BABCOCK. I believe the adoption of this proposition will be a greater step toward the improvement and beautifying of Washington than anything that has been done in that line.

Mr. FITZGERALD of Massachusetts. Is it not a fact that the officer who has charge of the public grounds and parks of the city of Washington is opposed to this plan and condemns it? I refer to Mr. Bingham.

Mr. BABCOCK. That is very true; and Mr. Bingham condemns any proposition that touches any public property in the city of Washington, whether the proposition is to take such property for a public building or for anything else.

Now, I want to say to the gentleman from Tennessee that the land proposed to be taken is practically in disuse now.

Mr. GAINES. Why so? Can we not make it into a park?

Mr. BABCOCK. The greater part of it is now occupied by the railroad. The portion between Sixth and Seventh streets is practically of no use.

Mr. GAINES. Why so?

Mr. FITZGERALD of Massachusetts. Is it not true that Congress is just waking up to the fact that Washington ought to have a magnificent park system? Practically nothing has been done heretofore, in my judgment, toward beautifying this city. The city of Boston, within the last few years, has spent \$25,000,000 in beautifying its park system, and yet when it is proposed to spend \$5,000,000 for a similar purpose in this city, the outcry is raised that we may be impoverished.

Mr. GAINES. The gentleman from Wisconsin has said, as I understand, that the railroad now occupying the Mall is a mere temporary affair.

Mr. BABCOCK. No; not a mere temporary affair.

Mr. GAINES. The license presupposes that it is temporary.

Mr. BABCOCK. Congress is left free to take any action in the matter that it may see fit.

Mr. GAINES. The title is not in the railroad company, but still in the Government, so that the railroad is operated under a mere license. I want to ask the gentleman why he disagrees with the gentleman from Missouri and denies that this measure will destroy the park?

Mr. BABCOCK. Because the greater portion of the park—that between Sixth and Seventh streets—is already occupied. The park is now cut into by railroad tracks.

Mr. GAINES. Which can be removed.

Mr. BABCOCK. Oh, certainly; you can drive those railroads entirely out of the city.

Mr. GAINES. Nobody wants to do that.

Mr. LENTZ. Does this railroad company pay any rental for this land?

Mr. BABCOCK. I think not.

Mr. McDERMOTT. I would like to know where this license which has been spoken of is to be found.

Mr. BABCOCK. It is in an old act passed years ago.

Mr. McDERMOTT. I would like to have the gentleman refer me to that act, so that we may examine it.

Mr. BABCOCK. I am not able on the moment to do so. The gentleman will find it in the statutes affecting the District of Columbia.

Now, I want to call attention again to the fact that this great subway, leading directly from the Capitol, will pass right under this depot by a 200-foot arch—wider than any street we have in this city. I call attention also to the fact that this improvement does not take away in a single particle any advantages that the citizens here are now enjoying. Why? Because the streets I have named are now occupied by those two railroads. If you undertake to accomplish what the gentleman from Missouri desires, without this proposition for elevation, you must go to work and take up all those tracks.

Now, I submit, Mr. Chairman, that, on the whole, the plan suggested by the gentleman from Missouri, if carried out, would be very much more expensive than the one recommended by the committee, costing 50 per cent or two and a half million dollars more and accomplishing not such good results.

And now a word as to the general plan the committee does propose. I wish to call the attention of the members present to the line as indicated on this map. The Southern lines coming in here across the Long Bridge follow up this line which is indicated on the map in red, and the lines coming in from the east—from Baltimore—follow this other line, both converging at the point indicated here on the map, both of them meeting at the Y, at the point which I now indicate to you, and then going parallel down into the heart of the city to the station.

Now, as I understand it, the former Engineer Commissioner, Captain Black, now a colonel in Habana, was the prime mover in this new plan. He gave to it an immense amount of time, thought, and study, and I believe he has left a record behind of which he is, and has reason to be, proud, and considers this the greatest engineering work of his life. If the suggestion of the gentleman from Missouri [Mr. COWHERD] carries the benefits that he attempted to show here, upon this other map—I hardly know what it is—it may be worth considering whether or not you might not better take away, as the gentleman from Tennessee [Mr. GAINES] suggested, all of this privilege to the road, and deny them the right of coming across there at all. But you must remember that the people of the city and of the country who are interested in this matter have also some rights which must be considered.

Mr. GAINES. If the gentleman will pardon me, I did not suggest the taking away of the rights of the railroad.

Mr. BABCOCK. I understand that.

Mr. GAINES. On the contrary, I said no; not to take them away. But as I understood the gentleman to say that they merely had a license, I only suggested that in that event it was not a permanent matter. I should, of course, be very sorry to have them leave the city.

Mr. BABCOCK. I understand that. I did not mean to say that the gentleman had contemplated such a thing. I merely followed indirectly a suggestion of his to show the point I was making.

But in order to elevate this track for the purpose of making the improvements which have been suggested by the gentleman from Missouri you inflict damage here far beyond the present conditions.

Mr. FITZGERALD of Massachusetts. Do you not think the city should be improved at the point you are indicating?

Mr. BABCOCK. Oh, Mr. Chairman, everything ought to be improved that can be improved; but I was simply calling attention to the enormous expense which would be involved in the plan suggested by my friend from Missouri, and how inadequate it would be to accomplish the good we believe can be accomplished by the committee's bill.

Mr. MANN. I would like to ask the gentleman a question.

Mr. BABCOCK. Certainly.

Mr. MANN. I wish to ask the gentleman if the character of the work required to be done where the track is to be elevated is specified? Is it to be an ornamental or a plain stone work?

Mr. BABCOCK. It is to be a permanent work, and the character is specified.

Mr. MANN. What I wish to ask is whether it is to be an ornamental structure, æsthetic in design, or whether it is to be a mere plain viaduct?

Mr. BABCOCK. I am glad the gentleman has suggested the interrogatory. The plans for the elevation of the tracks of both the Pennsylvania and the Baltimore and Ohio, recommended here, are on file in the offices of the Commissioners of the District

of Columbia and are approved by the Commissioners and by the engineers of the road, and show an ornamental character of the work that could not be objected to by anyone.

Mr. MANN. Because, of course, as the gentleman knows, works of this character may be made aesthetic; and the structure to be put there under the operation of this clause should be artistic in character and pleasing to the public eye and not injurious in appearance to that park.

Mr. BABCOCK. That has already been worked out in detail, and the plans already made are a part of the legislation recommended.

Mr. MANN. So that the companies would be required to comply with certain plans, as to the appearance of this work, which have already been considered?

Mr. BABCOCK. Not only under certain plans, but the work is all under the control of the Commissioners, and must be made satisfactory to them.

Mr. MANN. I mean with a view to beautifying the park.

Mr. BABCOCK. Yes.

Mr. MANN. For instance, if the gentleman will permit me, in the city of Chicago, where the Illinois Central Railroad elevated its tracks across the Midway at the time of the World's Fair, the elevation is made of such a character that in the opinion of nearly everybody it adds to instead of detracting from the beauty of the entire plan of the park.

Mr. GILLET of Massachusetts. Will the gentleman permit a question?

Mr. BABCOCK. Certainly.

Mr. GILLET of Massachusetts. Am I right in understanding that the main objection to moving the Pennsylvania depot out to the south of its present location is that it takes it a couple of thousand feet farther away from Pennsylvania avenue?

Mr. BABCOCK. No; that is not the principal objection.

Mr. GILLET of Massachusetts. That seems to be very trivial. What other objections are there?

Mr. BABCOCK. The difficulties of the whole engineering project are of such a character that it would practically end this elevating proposition for the present. The gentleman from Missouri [Mr. COWHERD] has stated that it would cost \$7,500,000, according to the estimate of Mr. Parsons.

Mr. COWHERD. Oh, no; I beg the gentleman's pardon, that does not state the fact correctly at all. Mr. Parsons's estimate includes a very great deal more than that.

Mr. GILLET of Massachusetts. I mean building the station there. Are there any engineering difficulties about that?

Mr. BABCOCK. No; but about the trackage.

Mr. GILLET of Massachusetts. It looks as though it would be easier to have the tracks come in straight than to come up on a Y.

Mr. COWHERD. Does the gentleman from Wisconsin mean to say that it would be impossible to carry out this elevation scheme according to that plan?

Mr. BABCOCK. Oh, there is nothing impossible in engineering.

Mr. COWHERD. But does the gentleman say it would be impracticable?

Mr. BABCOCK. That it would be impracticable.

Mr. COWHERD. The engineers of the War Department say that it would not be.

Mr. GILLET of Massachusetts. Will the gentleman from Wisconsin tell us why he considers it impossible?

Mr. BABCOCK. I can not give the details. We simply have the report of the engineers and of the Commissioners of the District of Columbia, and the committee must rely upon the reports of the officials for that.

Mr. THROPP. Will the gentleman allow a question?

Mr. BABCOCK. Yes.

Mr. THROPP. Referring to the map here, I understand that you propose coming in a part of the distance through a tunnel. One of the objections to the proposition which has been made to tunnel the whole distance is that down on the low ground near the Potomac River they can not build a tunnel, for the reason when the Potomac is high it would be flooded. But you could keep the tracks on the surface, as they now are, could you not?

Mr. BABCOCK. Yes.

Mr. THROPP. Now, could the company not overcome the principal objection which is being urged to the proposed plan of crossing the Mall with an elevated track by bringing their tracks up to the station on the surface, as they now are, and build retaining walls on the side, say 18 feet high, which I think the locomotives require, and then have an elliptic arch which would be sufficiently wide to cover the tracks, and grade up to and over this arch, making a mound-shaped elevation which would cover up the tracks, and which would not in the future interfere with the proposed plan for the park system which has been talked about? The Pennsylvania Railroad Company will certainly build a handsome station, as it has done in other cities, and I favor bringing it up to Pennsylvania avenue, if possible.

Let its station be one of the proposed beautiful buildings on the south side of the avenue.

Mr. BABCOCK. I will say to the gentleman from Pennsylvania that that is an entirely new idea.

Mr. THROPP. Has such a plan been brought to the attention of the committee and considered by them?

Mr. BABCOCK. Not by the committee; no.

Mr. THROPP. The reason for my suggesting this is that in depressing the tracks to the Reading terminal in Philadelphia, when they came to Fairmount Park they covered over the tracks in the way that I have suggested, leaving ventilating spaces, and have graded over the arches so that the effect is rather pleasing than otherwise. If that were done here it could be made just as beautiful as desired.

Mr. BABCOCK. I will say to the gentleman that I think that would be impossible over a portion of this route, and I do not think the gentleman's proposition would cure the objection that has been made.

Mr. THROPP. I think this city needs better terminal facilities for the railroads. The question is how to get them on the best and most attractive plan.

Mr. BABCOCK. The committee have not considered any proposition of the kind suggested by the gentleman.

Mr. FLEMING. If the gentleman will permit me, how many additional acres of the Mall are to be given under this bill?

Mr. BABCOCK. I have not the figures right here at hand, and this map is not drawn to show exactly that; but, as I understand, the whole acreage will be about 14 acres.

Mr. FLEMING. What compensation are you getting from the railroad for that additional 14 acres?

Mr. BABCOCK. That is a part of the contribution on the 50 per cent basis of the cost of the elevation.

Mr. FLEMING. How much is the Government being allowed for that 14 acres?

Mr. BABCOCK. The value of the land is estimated by the Commissioners at two dollars and a half a square foot.

Mr. FLEMING. And your position, then, is that the Government is being paid for that property?

Mr. BABCOCK. The position is this: In the Pennsylvania elevation bill, the contribution on the part of the District, which is supposed to be about 50 per cent of the cost, is not cash, but in land. In the Baltimore and Ohio bill it is in money. The Pennsylvania gets its aid under this project in land, and under the project of the Baltimore and Ohio it gets its in money.

Mr. FITZGERALD of Massachusetts. Does the gentleman from Wisconsin think that 50 per cent sufficient for the railroad to pay?

Mr. BABCOCK. Yes, on this track elevation. The Government has nothing to do with the improvements, depots, and things of that kind.

Mr. FITZGERALD of Massachusetts. Does that 50 per cent mean of the whole cost? Does it include the land, too?

Mr. BABCOCK. Fifty per cent is what applies directly to the elevation, and not to the improvements or depots.

Mr. FITZGERALD of Massachusetts. The 50 per cent of the amount would be paid by the Pennsylvania Railroad and 50 per cent by the Government for the elevation?

Mr. BABCOCK. Yes; 50 per cent of the cost of the elevation. That is the idea. That is the point that has been reached and recommended, after long investigation of the methods adopted in different cities of this country, by the Commissioners and by the Senate committee. The Commissioners report in favor of this plan.

Mr. FITZGERALD of Massachusetts. Massachusetts requires the railroads to pay 65 per cent.

Mr. SHATTUC. I desire to ask the gentleman from Wisconsin who are asking for this legislation?

Mr. BABCOCK. The District Commissioners.

Mr. SHATTUC. And not the railroads?

Mr. COWHERD. I think it true that the Commissioners did not report favoring the location in the Mall. They called attention to the fact that they did not report as to whether it should be removed, but they left that to the discretion of Congress.

Mr. BABCOCK. In answer to that question, the Engineer Commissioner yesterday morning was asked the very question which you mention, and he stated to the committee absolutely that this is the only project, from an engineering standpoint, that would accomplish the result, and that he wanted to be regarded as absolutely in favor of that and against the proposition to move the depot down there.

Mr. COWHERD. I think the engineer had said he was in favor of it, but I want to say that the main reason, the moving reason, as I understood, why the Commissioners reported in favor of it was that they understood that Congress would not require them to move it out, and that they would leave it where they had it.

Mr. NEWLANDS. Will the gentleman allow me to ask him a question?

Mr. BABCOCK. Certainly.

Mr. NEWLANDS. As I understand it, the plan proposed by Mr. Parsons provides for the acquisition of the block between Third and Fourth, between Fourth and Sixth, and Sixth and Seventh; that is, the streets between Third and Seventh streets on Pennsylvania avenue. Now I ask whether it is not possible to provide that the railroad should condemn the land in front up to Pennsylvania avenue, and the station house shall be constructed of such architectural design as will fit it into the general plan of having a stately, imposing line of buildings along the line of Pennsylvania avenue; and whether in that connection the tracks necessary to reach this station can not be depressed just as the street railroad tracks are proposed to be by the plan of Mr. Parsons along Seventh and Twelfth streets?

Mr. BABCOCK. I want to say to the gentleman that that has been my idea, and I made that suggestion to both the committee and the District Commissioners; and my idea is that it still would be better to have the depot fronting, as the gentleman suggests, on Pennsylvania avenue, and the street reached through this way.

Mr. NEWLANDS. If that were done, would the tracks be depressed as the street railway tracks are, and so concealed by foliage, etc., as not to interfere with the general appearance of the park?

Mr. BABCOCK. That would be worse than elevation.

Mr. LACEY. How expensive would it be to condemn this block?

Mr. BABCOCK. I do not know.

Mr. NEWLANDS. If this were done at this point here [indicating on map], could it not be done as I suggested in the question I asked you a moment ago?

Mr. BABCOCK. If this were made on the surface, it would be worse for the lower place than where elevated.

Mr. NEWLANDS. Do I understand that on Seventh street here, where the railroad tracks are really depressed below the general level, and where you will, under this plan, have roads running across bridges across the street from one portion of the Mall to another, that it would interfere with it?

Mr. BABCOCK. It is depressed at some points, altogether owing to the topography of the service, where it is necessary to get the necessary elevation.

Mr. SHATTUC. May I ask the gentleman another question?

Mr. BABCOCK. Certainly.

Mr. SHATTUC. If this legislation is defeated, the railroad company will occupy the position that it does now?

Mr. BABCOCK. Certainly. I reserve the balance of my time.

Mr. SHATTUC. Mr. Chairman, I have had no opportunity to ask any questions of the chairman of the committee, and I would like to ask the chairman of the District Committee who has asked for this legislation?

Mr. BABCOCK. This is a plan worked out by the Commissioners of the District of Columbia.

Mr. SHATTUC. That does not answer my question. Are the railroad companies asking for it?

Mr. BABCOCK. The railroad companies have accepted it, but they have not asked for it.

Mr. SHATTUC. They did not ask for it?

Mr. BABCOCK. No, sir. I want to say that the committee has had this proposition for elevating the tracks before them since I first came to Congress.

Mr. SHATTUC. How long ago was that?

Mr. BABCOCK. Seven or eight years ago, and it was originally opposed by the railroad companies. One company said that if the bill was passed at that time it would put them into bankruptcy.

Mr. SHATTUC. Then, if we do not agree to this bill, the railroad companies will occupy the same space they now occupy?

Mr. BABCOCK. Certainly, if Congress does not interfere with them.

I want to say that where the land is vacated by the railroads under this bill it will enhance the value of the property there thousands of dollars.

Mr. SHATTUC. How long has it taken the engineers to work out and develop these plans?

Mr. BABCOCK. Four years.

Mr. SHATTUC. Well, I have not been able to get much new light on the subject within the last hour. [Laughter.]

Mr. RIDGELY. If the gentleman from Wisconsin will permit me, I understand the elevation of the tracks for public safety and convenience will cost \$2,500,000.

Mr. BABCOCK. No; where the estimated cost is two millions and a half it involves the building of a wagon bridge, which would be a permanent improvement. The old Long Bridge must be gotten rid of, as it is a menace to the city. The ice lodges against it in the spring, and gentlemen will remember that we have had to make appropriations every spring for a number of years to blow the ice out. It is absolutely necessary that the old Long Bridge should come out.

Mr. RIDGELY. Can the gentleman state the amount it will cost to elevate the tracks at the grade crossings?

Mr. BABCOCK. I do not understand.

Mr. RIDGELY. What will it cost to elevate the tracks as contemplated in the bill?

Mr. BABCOCK. The engineers have figured that it will actually cost \$3,000,000 for the elevation of the property; that the cost of this improvement here will be \$6,000,000, all told, and one-half of it is chargeable to elevation.

Mr. RIDGELY. About \$3,000,000?

Mr. BABCOCK. Something over \$3,000,000. I think \$3,150,000 in the Baltimore and Ohio bill, and something over that in this bill.

Mr. RIDGELY. One-half of the cost of that is to be borne by the Government?

Mr. BABCOCK. One-half of the elevation proper to be borne by the Government.

Mr. RIDGELY. The question now is if the Government is to pay something like a million and a half in money, or in property, then will the Government have an interest in this property equal to the amount of money they have invested in it?

Mr. BABCOCK. The only interest the Government will have will be in the streets and the advantages that the general public will have from the elevation of the tracks and the general improvements. The Government will have no ownership of the property.

Mr. RIDGELY. The Government will not share in the ownership of the property?

Mr. BABCOCK. No, sir.

The CHAIRMAN. The gentleman from Ohio [Mr. SHATTUC] has the floor. Has he yielded it?

Mr. SHATTUC. I will yield the balance of my time to the gentleman from Wisconsin [Mr. BABCOCK].

Mr. SHAFROTH. I would like to ask the gentleman from Wisconsin a question.

Mr. BABCOCK. Very well.

Mr. SHAFROTH. Was there any testimony before the committee as to the number of deaths that had been caused by the grade crossings on this railroad?

Mr. BABCOCK. As to the number; no.

Mr. SHAFROTH. Any testimony as to the amount of damages that have been paid by the company on account of deaths?

Mr. BABCOCK. No, sir.

Mr. SHAFROTH. Was there no statement regarding it made by the railroad officials?

Mr. BABCOCK. Not before the House committee; no, sir. That matter was gone into at the other end of the Capitol. Before the House committee that portion of the road called "Dead Man's Curve" was referred to incidentally as being where the great loss of life had occurred on the Pennsylvania line, but to what extent I am unable to answer. Now, how much more time does the other side want?

Mr. COWHERD. Quite a number of gentlemen have requested time, and I think we had better let the matter run along for a while.

Mr. BABCOCK. I want to reach some point of time when we can close the general debate.

Mr. COWHERD. Quite a number of gentlemen on this side of the Chamber, as well as on the other side, have requested time. Now, I think in half an hour, or perhaps an hour, we can agree about it.

Mr. BABCOCK. Suppose we fix 3 o'clock as the time for closing debate?

Mr. COWHERD. I can not consent to that.

Mr. BABCOCK. Then, Mr. Chairman, I move that general debate on this bill be closed at 2 o'clock and 45 minutes.

The CHAIRMAN. That motion is not in order.

Mr. SIMS. I am a member of the committee, and I have not yet had an opportunity to open my mouth on this bill.

Mr. BABCOCK. Of course the gentleman is entitled to recognition.

Mr. COWHERD. I make the point that we can not close general debate in the Committee of the Whole.

The CHAIRMAN. The Chair has already ruled that the motion of the gentleman from Wisconsin is not in order.

Mr. SIMS. Mr. Chairman, I do not want to go over everything that the gentleman from Missouri [Mr. COWHERD] has said; but there are some matters connected with this bill that he has not discussed in detail and to which I wish to invite attention, because as a member of the committee I feel it my duty to give the members of the House all the information I have on this question.

This bill provides, among other things—and this is a point which has not been discussed—that there shall be a new bridge built by the railroad company where the Long Bridge now is. Of course, that bridge is to be for the benefit of the railroad, not for the benefit of the District of Columbia or the people of the United States. It is further provided that a new highway bridge shall be built

instead of the highway bridge now used in connection with the railroad bridge. This highway bridge is to be built at a cost not exceeding \$568,000, to be paid by appropriations by the Government of the United States.

Another thing should be stated in this connection. The present Long Bridge, as I understand, was built by the Government, and its use was given to the railroad company, which assumed the liability of keeping in repair the highway bridge, used by foot passengers, by vehicles, and by street cars. This bill proposes to relieve the railroad company entirely of that obligation by removing the highway bridge to another place, whereby the railroad company will be relieved from what is now a perpetual charge upon it—the maintenance of this highway bridge. This is a benefit which they are to receive under this bill, and it ought to be considered in connection with the other benefits they will receive.

The War Department is opposed to the building of two bridges so close together. The objection is that they will obstruct navigation. The proper officers of the Government, as shown in the majority report, object strongly to building two bridges so close together. They recommend that this railroad bridge and the highway bridge be continued together as now.

If I did not misunderstand the gentleman from Wisconsin, he stated, in answer to a question of the gentleman from Illinois [Mr. CANNON], that the Commissioners of the District of Columbia had reported that it was practically impossible, or at least extremely inconvenient, to erect a depot elsewhere than upon the location shown here on this map. Now, I want to read exactly what the Commissioners did say on this subject, and I hope the gentlemen will give attention:

The present station was established under authority of an act approved March 23, 1871, by the board of aldermen and common council of the city of Washington, at a time when the people were supposed to have a voice in the affairs of the District government. It is therefore assumed that this location was the choice of the people at that time.

So this location, so far as these reports go, is based upon a mere assumption that the location was the choice of the people at the time—an assumption based on the fact that the location was authorized by the action of the board of aldermen and the common council of the city of Washington.

Then the Commissioners continue:

This action was confirmed by the act of Congress approved May 21, 1872, since which time the company has been in quiet possession.

Now listen to what the Commissioners say further:

The advisability of requiring a change of location at this time is left to the wisdom of Congress.

That is what the Commissioners say. They do not say that it is not a feasible engineering proposition to have this station located elsewhere; they leave the matter to the wisdom of Congress, and whatever action we take must be taken on our own responsibility. The Commissioners do not recommend that the station remain where it is. Neither do they say that it is impossible or impracticable as an engineering feat to erect a new station south of the Mall.

Mr. SHATTUC. Do they recommend the proposed change?

Mr. SIMS. They leave it to the wisdom of Congress. They make no recommendation. Congress is left to act entirely upon its own responsibility as to where this station shall be placed. The Commissioners do not assume any responsibility in the matter.

Now, Mr. Chairman, the depot can be placed here at this point [indicating], as we recommend in our suggestions, and with less cost to the railroad company, than to establish it at this other point upon the Mall, as indicated in the report of the majority of the committee. Furthermore, the bill proposes the removal or destruction of the present depot building. And so far as damage results to the railroad company by the destruction of its depot is concerned, that is not increased if it shall be placed at the point we indicate rather than on the Mall.

But I do not wish to take a utilitarian view of the question. We are not legislating now exclusively for the benefit of the people of Washington. The city, as has been truly said in the course of the debate, is not a city for the District of Columbia and for the people of the District of Columbia, nor for the people of a special locality, but for the people of the whole United States, the people of the nation. They are all interested in it and in its development.

The traveling public would certainly be willing to submit to the little, insignificant inconvenience of going this distance across the Mall to the depot rather than destroy that magnificent park, as you propose to do. This Mall, set apart and approved of by George Washington himself—if that adornment of the city, with all of its future possibilities, is to give way to a mere question of the convenience of a few people, then why not place the depot where the greater number of the citizens of Washington could reach it with less inconvenience than where it is now located? We know that on Sixth street, the present location, it is not in the center of the city, is not near to the greatest number of the principal hotels of the city, and is not near to the greatest number of the people of

the city; and I claim that, legislating as we are for the people of the whole United States, it is our duty to protect their property and look to their interests, because we are called on here, not as the representatives of the people of the city of Washington, not as representing a particular locality, not as representing the people of the city where this property happens to be located, but here is a case where the people of every locality in the nation are interested.

Mr. SHATTUC. In your estimate, as a railroad expert, how much less yard room would it take to accommodate the business of the railroad company by having a double-end depot rather than a single-end one?

Mr. SIMS. I do not know. I do not care. I can not tell, and it is not a matter of consequence in this connection. I repeat, I am not here representing the people of the city of Washington, or any locality, in a matter of this kind. I undertake, as well as I can, to represent the interests of all of our people throughout all parts of the country, and I can not tell the gentleman whether it would cost more or less.

Mr. SHATTUC. Naturally it would cost less.

Mr. SIMS. Well, that may be; but it is all the better for the railroad company if it does. But, so far as I am concerned, if it was a question of equity in connection with this matter, I should be in favor of the appropriation of every dollar required to reimburse the railroad company rather than allow them to destroy this magnificent park.

Mr. OTJEN. Is there room enough on the site you propose to build a depot?

Mr. SIMS. Undoubtedly. And in that connection let me read what is said by those who are more capable of judging than I. I am merely giving a statement of the case as it appears to me, and I would rather quote those, if I can, who have had more opportunity of investigating it. We are told in the report of the minority of the committee that—

One of the most important features of the plan will be found in the new site assigned to the Pennsylvania Railroad station, now a serious obstruction to the development of the new park. Its present location, if retained, would utterly destroy the harmonious arrangement of the ovals and sunken transverse roads, which are the distinguishing characteristics of the present design. The passage of trains through a park, whether over, or under, or on the level, is always to be deprecated. It destroys the restfulness and isolation of the place, and it should be prevented by any arrangement that is not absolutely inimical to the comfort and business necessities of the public. A lightning express is quite incompatible with a green garden and singing birds.

Mr. Chairman, we paid \$4,000 to get the opinion of an expert on this very question, and he tells us, as I have just shown you, that the present location is a serious obstruction to the improvement of this park, and that if that location is retained it destroys the harmony of the arrangement of the ovals and sunken transverse roads which are the distinctive characteristics of the present design.

Mr. HEPBURN. Will the gentleman allow me to interrupt him for a question?

Mr. SIMS. Certainly.

Mr. HEPBURN. With the approval of the opinion of the expert to whom you have referred, are you ready to vote the necessary sum to carry out his recommendations?

Mr. SIMS. Not beyond that included in the Mall. The gentleman will understand that this expert takes in a great deal of other outside property in his suggestions.

Mr. HEPBURN. Then you are not willing to follow him in the suggestions he has made and which you embody in your report?

Mr. SIMS. Not to the extent of the improvement of the whole territory included in the report, for I have not examined it. I do not know whether on an examination I should approve the whole of his plan or not. But in so far as the Mall itself is concerned, I certainly think we should take what he says about it, because, so far as the Mall itself is concerned, we can take what this expert says and consider it for what it is worth, without considering that part of these plans which reach beyond the Mall.

Now, further, I quote:

The passage of trains through a park, whether over or under or on the level, is always to be deprecated. It destroys the restfulness and isolation of the place, and it should be prevented by any arrangement that is not absolutely inimical to the comfort and business necessities of the public. A lightning express is quite incompatible with a green garden and singing birds.

This is the point I want to call attention to:

The proposed site for the station, it will be seen, is large and commodious, and situated directly in front of the transverse road at Seventh street, which is made as wide as Pennsylvania avenue, and only 1,000 feet from its nearest borders. The station as now situated, in the heart of the proposed park would completely destroy the unity of the park design, for it stands at the very point where the loss would be the greatest.

Now, gentlemen, I have no feeling of animosity toward a railroad company just because it is a railroad company, or anything of that sort. I am not addressing myself to that question at all. I would give the Pennsylvania Railroad just as much as I would give any other railroad, but I do not understand that it hurts a

railroad company as a property to have its depot located farther back. I do not see that it would prevent a single passenger from visiting Washington, nor would it reduce the hauling of freight one pound; and, as suggested by the gentleman from Ohio, it would certainly be cheaper than to build upon the present plan.

Then, as to the question of the depot being there permanently, the gentleman from Wisconsin [Mr. BABCOCK], the distinguished chairman of the Committee on the District of Columbia, spoke with reference to existing conditions. I want to say right here that if existing conditions are to remain, he is exceedingly logical. In that view of the matter he is correct, because certainly we had better have a permanent depot there, costing a million and a half dollars, than have the car shed which is located there now. But, as far as my information goes, it has never been understood from the time this railroad came into the Mall up to the present hour that it was contemplated that these present holdings should be permanent. I find that in 1890, in the discussion with reference to the location of this road upon this Mall, an amendment passed this House requiring the company to move its depot back to the junction of these avenues. It did not become a law, but it did pass the House, and that shows the disposition, opinion, and judgment of Congress at that time. Ten years ago they understood they had a right to move this depot back, and they passed an amendment that did it. I will not take the time to read it.

But as far as I am concerned as a member of this committee, I waive any question as to Garfield Park. I waive all other objections to the bill. But I do think that to take this part of this park and give it to the railroad company at this time, either with reference to the benefit of the railroad company or to the convenience of the people of the District of Columbia, is something that we should not do. If the precedent is established of cutting this great park in two, either for convenience to the public or profit to a business enterprise, where is it going to end? Why not go into the White House grounds and have a railroad station south of the White House, if you are going to consider the question of convenience only? I do hope that in this matter something more than the mere utilitarian idea of convenience will be considered. This improvement should not be made in such a way as to be useless to the public or in such a way as to make it a great burden. But to take it out of the Mall will not do that. It will not injure the railroad company and will prevent the utter ruin of this property as a park.

At this time, just after the celebration of the centennial anniversary of the removal of the Government of the United States to Washington, when it was said upon the floor of this House only a few days ago that this was designed to be, and must be, the most beautiful city on the face of the earth—within this short time afterwards we are asked here to make impossible a part of that very plan of beautification by cutting into the most distinctive feature of our city parks and improvements. Certainly this is a most untimely and unwise proposition, which, if carried out, will be a matter of regret to all who come after us.

Mr. OTJEN. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. OTJEN. I understand you, then, that it is feasible and that there is room enough to build the depot where the junctions of the road are, at the point marked "Yard" on the map. I understand you that there is plenty of room there?

Mr. SIMS. Of course I am not a railroad man and can not answer that personally; but those who ought to know inform me that there is room enough.

Mr. OTJEN. It is claimed by some that there is not sufficient room there to build the depot. That is the reason I asked the question.

Mr. SIMS. There is, or can be had by purchase or condemnation. There are some Government reservations there, and all the room that is needed, as I understand it, can be acquired. There is plenty of room, as I understand it, for all the depot facilities that they would get by having it where it is located in this bill, if I understand correctly. I speak from information and not as a railroad expert.

Now, I admit that a while ago Colonel Bingham was criticised for the position he took on this question; but Colonel Bingham's ideas and opinions are certainly worth considering, and should receive the weight that they are entitled to on their face, and I will ask you, to that extent, to give heed to what he says.

I do not know what his course has been heretofore, but I know he is in a position to discharge a duty, and he has done so; and it is the duty of this House to give careful consideration to what he and General Wilson and Colonel Allen say about this matter. I will only read a paragraph from what Colonel Bingham says, which follows:

Considering that this park was specially reserved in the formation of the city by our immortal President Washington, it does seem unpatriotic, and even irreverent, that Washington's ideas should not be carried out, particularly as no local interests would be seriously damaged by keeping this area for the park it was intended to be; and the national interests—for this is not

merely a town of local interest, but one which is the pride of our great nation—will be very much improved and advanced in the estimation of the entire country by keeping this area free from commercial encroachment. Further argument on this point is deemed unnecessary, as a simple inspection of the map carries its own argument.

Mr. POWERS. I would like to ask the gentleman a question, if he will yield.

Mr. SIMS. Certainly.

Mr. POWERS. I understand from your argument that your objection to this proposed change is upon the ground that the Mall should be preserved as a park for the public benefit?

Mr. SIMS. Yes, sir.

Mr. POWERS. Now, if preserved, if the railroad is removed, streets will cross it the same as now, will they not?

Mr. SIMS. Yes, sir.

Mr. POWERS. What will you do with the balance of the land, unoccupied land, between the streets?

Mr. SIMS. That is already park, and to be continued as park.

Mr. POWERS. Exactly. That is, a place where the public can do what they please; it is a loafing ground for the public.

Mr. SIMS. We consider it a park.

Mr. POWERS. Well, now, if you leave a street for the passage of freight teams and other carriages to the depot farther south, do you not leave it as much an uncouth sight for the sight-seers as you would by putting up a nice-looking building, as proposed by this bill? As I understand, the tracks are to be elevated and the elevated structure is to be ornamental. Now, would not that please the visitors to this city altogether more than to see these heavy freight wagons run down that street from Pennsylvania avenue, as they would have to?

Mr. SIMS. Will not freight wagons have to run anyway?

Mr. POWERS. They do not run the whole distance across the Mall in the present state of affairs. Now, a great deal has been said about people coming to this city to see it, and they want to see something that would be pleasing to the eye. I want to know if a fine building, such as is proposed here, with the elevated track made, as the gentleman from Illinois said, "aesthetically made," will not be as pleasing an object to the eye as it will be to make that a commercial highway to the depot situated farther south, and with a highway across the whole Mall?

Mr. SIMS. I understand the gentleman is making a little speech in my time.

Mr. POWERS. No; I am asking the gentleman a question.

Mr. SIMS. It is only a matter of judgment; and I want to ask the gentleman from Vermont, as he has referred to the road, whether he thinks an elevated road with 17 railroad tracks running over it, with lightning express, freight, and other trains thundering in and out all hours of the day and night, would be a spectacle that the sight-seers would like to see?

Mr. POWERS. I think the people who come here from your city and mine would be glad to see an elevated track with seventeen trains rushing in a magnificent building every minute of the day, as you suggest. I think they would be impressed with the greatness of this country and the beauty of the city of Washington. But there is another point to which I desire to call your attention. How many of these parks in the city of Washington do we now have for the use of the public here? We have got them scattered all over the city, from one end to the other. The gentleman does not expect that the visitors would spend their whole time looking at parks?

Mr. SIMS. Well, then, the gentleman's idea, according to his own statement, is that we have no need for these parks, and that they should be taken for railroad and other purposes.

Mr. POWERS. My idea is, we have ten times as many as we need. I should like to see public buildings put on these parks instead of compelling the Government to pay big prices to private owners.

Mr. SIMS. And that is only the beginning of the end of them. I said, as I believe, that this means the beginning of the end of the Mall, and the gentleman from Vermont certainly furnishes proof that I am correct, for he says we have already too many parks. Therefore he is in favor of yielding it up for this purpose, and the House can judge the difference in sentiment that governs the gentleman from Vermont and myself. I am something more than a mere utilitarian. I would like to see the man who would run a railroad through the Hermitage, Jackson's home in Tennessee, simply because some one wanted to get a railroad at his door instead of going a few feet farther.

I do hope that the level of the sentiment of this country has not got down to the utilitarian point which will destroy everything that is left by the heroes of this country, especially George Washington—the Father of his Country—to remind us of them and their teachings. He made this Mall, he laid it out, and he approved of it. Why not destroy Mount Vernon if you can build a railroad depot or a manufacturing plant there?

Mr. GROSVENOR. I would like to ask the gentleman from Tennessee a question.

Mr. SIMS. Certainly.

Mr. GROSVENOR. From an æsthetic standpoint, what is the present condition of the Hermitage?

Mr. CARMACK. "A thing of beauty and a joy forever."
[Laughter.]

Mr. GROSVENOR. It may be a joy forever; I think it is.
[Laughter.]

Mr. SIMS. I have not seen the Hermitage for twenty years, and therefore I am not in a position to answer the gentleman.

Mr. GROSVENOR. Well, I wish the gentleman could see it.
[Laughter.]

Mr. SIMS. But if I never see it I will not vote to erect a railroad depot on it.

Mr. GROSVENOR. It would be greatly improved by such a thing.
[Laughter.]

Mr. SIMS. The gentleman can have the benefit of what he thinks would improve such places.
[Laughter.]

Mr. PEARRE. I want to ask the gentleman from Tennessee if the sacred Mall has not already been desecrated?

Mr. SIMS. I think it has.

Mr. PEARRE. Was it the original idea to have it traversed by streets at all?

Mr. SIMS. I think it was.

Mr. PEARRE. As a matter of fact, the original plan contemplated no streets through it at all.

Mr. SIMS. Well, I can not answer that, but my information is that it did.

Mr. PEARRE. It now has streets through it, and has street railways running through it.

Mr. COWHERD. I want to correct the gentleman from Maryland. The original plan by l'Enfant shows streets traversing the Mall.

Mr. SIMS. That is my information. I was with the gentleman from Missouri when we were shown the plan. But now the idea that because streets are running through there and carriage drives, splendid streets, we should authorize an immense million and a half dollar depot upon stilts to be erected that obscures the view from one end of the Mall to the other—because this depot has for some reason or other been located where it is, does it follow that we must perpetuate that error or desecration by adding another one to it? I will not do it as far as I am concerned. The future historian of this country shall not chronicle a number of us with a vote saying that a 14-acre depot for any railroad company shall be located in the midst of a park laid out by Washington himself, and designed to be as permanent as the seat of government itself, in its whole and in its unity and entirety.

We can place some car stables on this park if we want to utilize it. Why not permit that to be done if it is only a question of dollars and cents? But if, as I said, it comes to making an appropriation of a million dollars to the railroad company to compensate it for withdrawing rather than retaining the depot where it is, I say vote it, and the people can pay it, but they can never restore the beauty of the park when once despoiled and ruined.

Mr. LENTZ. I would like to ask the gentleman if this property has been put up and offered for sale by the Government?

Mr. SIMS. I never heard of it, and I would oppose anything of that sort.

Mr. LENTZ. Would not it be a good deal better to offer it for sale than to give it away?

Mr. SIMS. I think either would ruin the park, and I am opposed to ruining the park. Another thing, this bill contemplates the tearing down and removal of the Fish Commission building. I call your attention to that for what it is worth. I am not making any fight on that, but I call attention to it because attention was not called to it by the gentleman from Missouri [Mr. COWHERD]. We are making this fight to preserve the park by placing the depot only about 1,000 feet farther south, a depot just as good for railroad purposes, just as good for the public use, and which does not damage the appearance of that section of the city in which it would be located, but would be absolutely for the benefit of that section of the city. That is all we ask you to do—to amend the bill so as to eliminate this objectionable feature of it. This House has never understood, this Congress of the United States has never understood it in any other light than that we had the right to require this depot to be removed at any time. Now, Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Twenty-one minutes.

Mr. SIMS. I reserve the balance of my time.

Mr. HEPBURN. Mr. Chairman, this is not a new question. For the last eighteen years almost every Congress has had to consider some plan or other for changing the location of railroads within the District limits and eliminating grade crossings. But this is the first time that the rights of the people here represented by the city authorities and the railroad corporations have ever come to an agreement. It is the first time that a plan has been adopted by the parties largely in interest to this dispute. I am

not sure that this plan is perfect, but I believe it is the only feasible one. It is the only one that probably can pass the two Houses, and while I do not agree with all the provisions in this bill, I believe that there is so much of good to be accomplished by it that I am ready to give it my support.

The objections urged now by gentlemen belonging to the minority of the committee seem to be reduced to a single one. The gentleman from Missouri [Mr. COWHERD] has specifically said that he would be content to let the company have the advantages proposed in the bill, save those that it would have in the Mall. The argument of the gentleman last on the floor has all been with regard to the desecration of the Mall. It is astonishing to observe the solicitude that certain gentlemen have at this time developed for the æsthetic possibilities of that Mall. For a hundred years Congress has had the opportunity to make the Mall a thing of beauty. Look at it to-day. Seventy years elapsed before any movement was made toward its improvement. The intimates of George Washington, who probably ought to have had as much solicitude to carry out his recommendations as gentlemen on this floor, allowed all the opportunities to come and go without any improvement.

Jefferson, Madison, Monroe, Adams, Jackson, Van Buren, Polk, Pierce, Buchanan, and all the rest for seventy years saw no necessity for carrying out the æsthetic views of the Father of his Country. Thirty years ago the people of this District—not the Congress, but the aldermen and the common council, the elective representatives of the people of Washington—authorized the use to which the railroad company is now putting a portion of the Mall. It was the act of the elective representative of the people of Washington, who thought it a desirable disposition to make of that part of the property which was then under their control. Congress approved it. It gave to the railroad company certain rights. I am not able to say precisely what those rights were. I do not suppose the company claims a fee, but they claim a franchise, and I undertake to say you can not dispossess them of their rights without making compensation. Effort after effort has been made to dispossess them. All such efforts have been futile.

Again, Mr. Chairman, gentlemen talk of "this magnificent park," the Mall, as though it were a park. It is not. It is a succession of parks. It is intersected by thirteen or fourteen streets—yes; seventeen, I believe—so that it is seventeen little parks that you have. There are five railroads crossing that tract of land. All those railways have acquired rights there, and no one proposes to disturb them.

Gentlemen say that the use of a portion of the Mall situated midway between its extremes destroys it. Is that true? There are 600 acres in that park, I am told. When you have taken 14 acres out of the middle of it you still have two parks, if you choose to call them such, of substantially 300 acres each. Is that a "destruction" of the Mall?

Gentlemen seem to think it necessary that they should have from one end to the other of this Mall an unobstructed view. If that be so, then divest it of its trees and its shrubbery and all other ornament. The fact is, when you stand on the Capitol Dome you have a bird's-eye view of the park; you can see it all, but when you are upon a level you can not. The very ornamentation that you have made obstructs continuous view. Such obstruction as already exists is what you will have by reason of this improvement.

It is said that this park must be artistic in character—as much so as possible. But, at the most, the greatest harm that it can be said this improvement will accomplish is to reduce the area of the park. It would still make two parks instead of one, even if this improvement is to be an impassable barrier. Yet such impassability is not contemplated. I do not know whether it would be possible to secure legislation upon the lines insisted upon by the gentleman from Tennessee; but I do believe there are compensations in this matter. The gentleman from Missouri insists that we are paying largely for what we get under this arrangement. I do not so understand. The only cost to the public in money is the \$250,000 estimated as the cost of the elevation of the streets crossing over the road and \$50,000 for condemnation.

It is not right or proper to charge the proposed bridge to this enterprise, because that is one of the enterprises for the improvement of the District for which the people have been clamoring for years. That is a work that will have to be done; and the construction of this bridge will do away with the necessity for larger, much larger, appropriation for that ornamental bridge that certain people of the District are now so earnestly advocating. That ought not to be regarded as an expenditure that the people are making to secure the improvement now under consideration.

As to the property given or permitted to be used, there are speculative estimates with regard to its value. Certain gentlemen who have reported upon this subject say that the portion contained in Garfield Park is worth about 30 cents a foot. If so, then that donation is not an extravagant one.

What is the value of the portion of the Mall that is to be used? Remember, you are not giving the fee. You are simply giving the use, which, under the terms of the bill can be recalled whenever Congress so elects; for I find in the bill a provision reserving to Congress the right to alter, amend, or repeal this act at pleasure.

What is that franchise worth? The gentleman from Missouri says it is worth \$2,000,000. How are we to know? Do you propose to sell that property in order to realize \$2,000,000 or any other sum? Yet you can not realize money without you sell parts of the Mall. In the language of the gentleman from Tennessee, you are going to destroy the Mall. Do you propose to do that? No one does. If the proposition for a sale were made, who thinks that this property would sell for the enormous sum suggested by the gentleman—nearly \$150,000 an acre?

Mr. Chairman, I hope that this bill will pass. I believe it is the best arrangement that can be made. While not the best possible, I think it is the best that can be made, and that it will so appear to the majority of those composing the two Houses. And if, Mr. Chairman, this is not passed now, I believe we will go over the same contentions, bickerings, and difficulties which we have had in the past every time this measure comes up.

Some gentleman asked a while ago as to the number of deaths at grade crossings in this city. I do not know the total number, but it is stated in the report that at one point alone in this city, at one grade crossing, 7 lives have been destroyed, and I think it safe to assume that not less than 50 have been destroyed by the pernicious practice of continuing these grade crossings in various parts of the city. Under the provisions of this bill we get rid of them, and still leave 12 crossings in the city in a distance of about a mile and a half, which is ample for the convenience of all persons who have occasion to cross at these places, while at the same time we promote the safety of the public. [Applause.]

Mr. BABCOCK. Mr. Chairman, I move that the committee now rise.

The question was taken; and on a division there were—ayes 86, noes 69.

Mr. COWHERD, Mr. SIMS, and others demanded tellers. Tellers were ordered.

Mr. BABCOCK and Mr. COWHERD were appointed tellers.

The committee again divided; and the tellers reported—ayes 100, noes 62.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts reported that the Committee of the Whole House on the state of the Union, having had under consideration the bill S. 1929, had come to no resolution thereon.

Mr. BABCOCK. Mr. Speaker, I now move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of Senate bill No. 1929; and, pending that, I offer the following resolution, upon which I ask the previous question.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That general debate on the bill S. 1929, in Committee of the Whole House on the state of the Union, be closed at 3 o'clock and 5 minutes p. m. to-day.

Mr. COWHERD. Mr. Speaker, I ask the chairman of the committee to withhold that motion for a moment to see if we can not agree upon time, or at least permit me to make a statement of facts.

The SPEAKER. The Chair is always patient with efforts to secure agreements.

Mr. BABCOCK. Mr. Speaker, I have offered everything which I think I could offer for the purpose of reaching an agreement, but being satisfied that there was no intention to reach any agreement on the part of the gentlemen on the other side, I felt it incumbent upon me to make this motion.

Mr. COWHERD. Let me ask the gentleman from Wisconsin if it is not a fact that we agreed to close the general debate at half past 3 o'clock to-day?

Mr. BABCOCK. It is well known to the House that the Committee on the District of Columbia has only this day, and if we desire to reach a vote on this bill it is important that the bill and amendments should be before the House at an early hour this afternoon. There will be ample time for gentlemen to discuss the provisions under the five-minute rule. The bill, of course, will be read under the five-minute rule for debate and amendments as soon as the general debate has been closed.

Mr. COWHERD. Now, Mr. Speaker, if the chairman of the committee will permit me, I wish to say that there has been no attempt to delay the passage of the measure. All we have asked is time to state our views fully upon it. Discussion has been upon the merits of the plan proposed. Nobody has been heard upon it

but one or two members of the committee, and neither occupied more than one-half the time to which he was entitled, yielding up fully one-half of the remainder. Quite a number of gentlemen have asked to be heard on the measure. Several have made requests to me for time, and I submit that when the bill was up last time, and the only question was the permission for side tracks, and the question of moving the depot came up, four times as much time was allowed for debate as has been given to-day. I only ask a reasonable time.

The SPEAKER. Does the gentleman from Wisconsin withhold his motion for the previous question to allow a request for unanimous consent?

Mr. BABCOCK. Certainly. I would like to know what the gentleman has to suggest.

Mr. COWHERD. I think it would be reasonable to ask to close the general debate at 4 o'clock. If gentlemen are permitted to talk in general debate they won't be so anxious to go on under the five-minute rule, and we will get along just as fast, and faster; and I submit it is not proper to cut off debate in this way.

I request to be permitted to ask unanimous consent to close the general debate at 4 o'clock.

Mr. PAYNE. Why, the gentleman himself only asked until 3.30 a short time ago.

The SPEAKER. Does the gentleman from Wisconsin yield the demand for the previous question to permit the request to be submitted?

Mr. BABCOCK. The request for unanimous consent? I will yield for that purpose, although I must object to it myself.

The SPEAKER. The gentleman from Missouri asks unanimous consent that general debate be closed at 4 o'clock to-day. Is there objection?

Mr. BABCOCK. I object.

Mr. COWHERD. Will you consent to 3.40?

Mr. BABCOCK. I will consent to 3.20.

Mr. LENTZ. Let us have a roll call. They are afraid to discuss the bill.

Mr. WILLIAMS of Mississippi. Mr. Speaker, how much time has the House to discuss a request for the previous question?

Mr. BABCOCK. I will ask unanimous consent, and will agree with the gentleman on his own proposition to close general debate at 3.30.

Mr. COWHERD. You have consumed fifteen minutes since then. Make it 3.40 and we will consent.

Several MEMBERS. No.

Mr. COWHERD. Give us the twenty-five minutes and we will consent.

Mr. BABCOCK. I will submit in connection with that, as the gentleman has assured me that he wants to reach a vote upon this proposition—I will couple with his request an agreement that we vote on this bill at 4.30.

Mr. LENTZ. No, sir.

The SPEAKER. The gentleman from Wisconsin asks unanimous consent that general debate close at 3.40, and that a vote be had upon the bill at what time?

Mr. BABCOCK. Say 5 o'clock.

Mr. RIDGELY, Mr. FITZGERALD of Massachusetts, and others. I object.

The SPEAKER. Objection is made, and the question is on the demand for the previous question.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Several MEMBERS. Division!

The House divided; and there were—ayes 111, noes 75.

Mr. COWHERD. I demand tellers.

Mr. BABCOCK. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 157, nays 87 answered "present" 8, not voting 104; as follows:

YEAS—157.

Acheson,	Burke, S. Dak.	Dovener,	Hay,
Adams,	Burleigh,	Driggs,	Heatwole,
Alexander,	Butler,	Emerson,	Hedge,
Allen, Me.	Calderhead,	Esch,	Henry, Conn.
Babcock,	Cannon,	Faris,	Hepburn,
Bailey, Kans.	Capron,	Fletcher,	Hill,
Baker,	Clayton, N. Y.	Fordney,	Hoffecker,
Bankhead,	Cochrane, N. Y.	Foss,	Hull,
Barham,	Conner,	Gardner, Mich.	Jack,
Berry,	Corliss,	Gaston,	Jenkins,
Bingham,	Cousins,	Gibson,	Joy,
Bishop,	Cromer,	Gillet, N. Y.	Ketcham,
Boreing,	Crump,	Gillet, Mass.	Knox,
Boutell, Ill.	Crumppacker,	Glynn,	Lacey,
Bowersock,	Cummings,	Graff,	Landis,
Brick,	Curtis,	Grosvenor,	Latimer,
Bromwell,	Dalzell,	Grow,	Lawrence,
Brosius,	Davenport, S. A.	Hall,	Linney,
Broussard,	Davenport, S. W.	Hamilton,	Long,
Brown,	Dayton,	Haugen,	Lybrand,
Brownlow,	Dick,	Hawley,	McAleer,

McCleary, Mann, Marsh, Meekison, Mercer, Meyer, La. Miller, Minor, Mondell, Moody, Mass. Moody, Oreg. Morgan, Morrell, Morris, Mudd, Needham, Norton, Ohio O'Grady, Olmsted,	Otey, Otjen, Overstreet, Packer, Pa. Payne, Pearce, Mo. Pearson, Pearre, Phillips, Powers, Prince, Pugh, Ray, N. Y. Reeder, Reeves, Roberts, Rodenberg, Russell, Ryan, Pa.	Shattuc, Shaw, Shelden, Sherman, Sibley, Smith, Ill. Smith, Iowa Smith, Samuel W. Smith, Wm. Alden Southard, Spalding, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. Y. Stewart, Wis. Sulloway, Swanson,	Tate, Tawney, Thropp, Tongue, Van Voorhis, Vreeland, Wanger, Waters, Weaver, Weeks, Weymouth, Wilson, Idaho Woods, Wright, Young, Ziegler.
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NAYS—87.

Adamson, Allen, Ky. Atwater, Ball, Bartlett, Bell, Breazeale, Brewer, Brundidge, Burke, Tex. Caldwell, Carmack, Clark, Mo. Clayton, Ala. Cochran, Mo. Cooper, Tex. Cowherd, Crowley, Davis, De Armond, De Graffenreid, Denny,	Dinsmore, Dougherty, Elliot, Finley, Fitzgerald, Mass. Fitzgerald, N. Y. Fleming, Foster, Fox, Gaines, Gilbert, Gill, Grout, Henry, Miss. Henry, Tex. Jett, Jones, Va. Jones, Wash. Kitchin, Kleberg, Klutz, Lamb,	Lanham, Lentz, Lewis, Little, Lloyd, McCulloch, McDowell, McLain, Maddox, May, Miers, Ind. Moon, Neville, Newlands, Norton, S. C. Quarles, Ransdell, Rhea, Ky. Richardson, Ala. Richardson, Tenn. Ridgely, Rixey,	Robb, Robinson, Ind. Rucker, Salmon, Scudder, Shackleford, Shafroth, Sheppard, Slayden, Smith, Ky. Snodgrass, Stallings, Stark, Stephens, Tex. Terry, Turner, Underwood, Williams, J. R. Williams, W. E. Williams, Miss. Wilson, S. C.
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ANSWERED "PRESENT"—8

Burleson, Davidson,	Johnston, McClellan,	Ruppert, Sims,	Wheeler, Zenor.
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NOT VOTING—104.

Aldrich, Allen, Miss. Bailey, Tex. Barber, Barney, Bartholdt, Bellamy, Benton, Boutelle, Me. Bradley, Brantley, Brenner, Bull, Burkett, Burnett, Burton, Campbell, Catching, Chanler, Clarke, N. H. Connell, Cooney, Cooper, Wis. Cox, Cusack, Cushman,	Dahle, Davey, Driscoll, Eddy, Fitzpatrick, Fowler, Freer, Gamble, Gardner, N. J. Gayle, Gordon, Graham, Green, Pa. Greene, Mass. Griffith, Griggs, Hemenway, Hitt, Hopkins, Howard, Howell, Kahn, Kerr, Md. Kerr, Ohio King, Lane,	Lassiter, Lester, Levy, Littauer, Littlefield, Livingston, Lorimer, Loud, Loudenslager, Loving, McCall, McDermott, McRae, Mahon, Mesick, Metcalf, Muller, Naphe, Noonan, Parker, N. J. Pierce, Tenn. Polk, Rhea, Va. Riordan, Robertson, La. Robinson, Nebr.	Ryan, N. Y. Showalter, Small, Smith, H. C. Sparkman, Spight, Stewart, N. J. Stokes, Sulzer, Sutherland, Talbert, Taylor, Ohio Taylor, Ala. Thayer, Thomas, Iowa Thomas, N. C. Tompkins, Underhill, Vandiver, Wachter, Wadsworth, Warner, Watson, White, Wilson, N. Y. Wise.
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So the previous question was ordered.
The following pairs were announced:
Until further notice:
Mr. DRISCOLL with Mr. LASSITER.
Mr. ALDRICH with Mr. TALBERT.
Mr. BARTHOLDT with Mr. BENTON.
Mr. DAHLE with Mr. WILSON of New York.
Mr. GREENE of Massachusetts with Mr. CHANLER.
Mr. BURKETT with Mr. STOKES.
Mr. THOMAS of Iowa with Mr. CAMPBELL.
Mr. STEWART of New Jersey with Mr. BRANTLEY.
Mr. WACHTER with Mr. SMALL.
Mr. MESICK with Mr. MULLER.
Mr. BULL with Mr. NOONAN.
Mr. SHAW with Mr. NORTON of South Carolina.
Mr. FREER with Mr. CUSACK.
Mr. LANE with Mr. PIERCE of Tennessee.
Mr. GAMBLE with Mr. GORDON.
Mr. DAVIDSON with Mr. LESTER.
Mr. LORIMER with Mr. ROBERTSON of Louisiana.
Mr. BOUTELL of Illinois with Mr. GRIGGS.
Mr. TAYLER of Ohio with Mr. BURNETT.
Mr. WATSON with Mr. FITZPATRICK.
Mr. LOUDENSLAGER with Mr. BAILEY of Texas.
Mr. PARKER of New Jersey with Mr. JOHNSTON, from the 18th until the holidays.

For this day:

Mr. CLARKE of New Hampshire with Mr. CATCHINGS.
Mr. COOPER of Wisconsin with Mr. COONEY.
Mr. METCALF with Mr. WHEELER.
Mr. SHOWALTER with Mr. DAVEY.
Mr. HENRY C. SMITH with Mr. SULZER.
Mr. BURTON with Mr. SPARKMAN.
Mr. WISE with Mr. McRAE.
Mr. LOVERING with Mr. VANDIVER.
Mr. MAHON with Mr. ROBINSON of Nebraska.
Mr. McCALL with Mr. BURLESON.
Mr. KAHN with Mr. RUPPERT.
Mr. EDDY with Mr. HOWARD.
Mr. LITTLEFIELD with Mr. NAPHEN.
Mr. GARDNER of New Jersey with Mr. BRENNER.
Mr. TOMPKINS with Mr. RIORDAN.
Mr. TONGUE with Mr. BALL.
Mr. WADSWORTH with Mr. SIMS, on grade crossings.
On this vote:
Mr. HEMENWAY with Mr. ZENOR.
Mr. BARNEY with Mr. RYAN of New York.
Mr. HOPKINS with Mr. GREEN of Pennsylvania.
The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed bill of the following title; in which the concurrence of the House was requested:

S. 122. An act to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee as indicated below:

S. 122. An act to amend the act entitled "An act to amend the criminal laws of the District of Columbia," approved July 8, 1898—to the Committee on the District of Columbia.

GRADE CROSSINGS, ETC., BALTIMORE AND POTOMAC RAILROAD.

The SPEAKER. The question now is on agreeing to the resolution.

The question being taken; the Speaker announced that the ayes appeared to have it.

Mr. COWHERD demanded a division.

The House divided; and there were—ayes 107, noes 66.

Mr. COWHERD. Mr. Speaker, I demand tellers.

Mr. BABCOCK. Mr. Speaker, let us have the yeas and nays.

The yeas and nays were ordered.

Mr. FITZGERALD of Massachusetts. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD of Massachusetts. Can the resolution be read at this time?

The SPEAKER. It can not. The Clerk will call the roll.

The question was taken; and there were—yeas 147, nays 86, answered "present" 8, not voting 115; as follows:

YEAS—147.

Adams, Alexander, Allen, Me. Babcock, Bailey, Kans. Baker, Barham, Barney, Bartholdt, Berry, Bingham, Boutell, Ill. Bowersock, Brick, Bromwell, Brown, Brownlow, Burke, S. Dak. Burleigh, Butler, Calderhead, Cannon, Clayton, N. Y. Cochrane, N. Y. Conner, Corliss, Cousins, Cromer, Crump, Crumpacker, Curtis, Dalzell, Davenport, S. A. Davenport, S. W. Dayton, Dick, Dovener,	Driggs, Eddy, Emerson, Esch, Faris, Fletcher, Fordney, Foss, Foster, Gaston, Gibson, Gillet, N. Y. Glynn, Graft, Graham, Green, Pa. Grosvenor, Grow, Hall, Hamilton, Hawley, Hay, Heatwole, Hedge, Henry, Conn. Hepburn, Hill, Hitt, Hoffecker, Hull, Jack, Jenkins, Joy, Kerr, Md. Ketcham, Knox, Lacey,	Landis, Latimer, Linney, Long, Lybrand, McAleer, McCleary, Mann, Meekison, Mercer, Meyer, La. Miller, Moody, Oreg. Morgan, Morrell, Morris, Mudd, Needham, Norton, Ohio O'Grady, Olmsted, Otey, Otjen, Overstreet, Packer, Pa. Payne, Pearce, Mo. Pearson, Pearre, Phillips, Powers, Prince, Pugh, Ray, N. Y. Reeder, Reeves, Roberts,	Rodenberg, Russell, Ryan, Pa. Shattuc, Shaw, Shelden, Sherman, Sibley, Smith, Ill. Smith, Iowa Smith, Samuel W. Smith, Wm. Alden Southard, Sperry, Sprague, Steele, Stevens, Minn. Stewart, N. Y. Stewart, Wis. Sulloway, Swanson, Tawney, Thropp, Turner, Van Voorhis, Vreeland, Warner, Waters, Weaver, Weeks, Weymouth, Wilson, Idaho Woods, Wright, Young, Ziegler.
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NAYS—86.

Allen, Ky.	Driscoll,	Lewis,	Scudder,
Atwater,	Elliott,	Little,	Shackleford,
Bartlett,	Finley,	Lloyd,	Shafroth,
Bell,	Fitzgerald, Mass.	McDowell,	Sheppard,
Brantley,	Fitzgerald, N. Y.	McLain,	Slayden,
Brewer,	Fleming,	Maddox,	Small,
Burke, Tex.	Fox,	May,	Smith, Ky.
Caldwell,	Gaines,	Miers, Ind.	Snodgrass,
Carmack,	Gayle,	Moon,	Stallings,
Clark, Mo.	Gilbert,	Neville,	Stark,
Clayton, Ala.	Grout,	Newlands,	Stephens, Tex.
Cochran, Mo.	Henry, Miss.	Norton, S. C.	Sutherland,
Cooper, Tex.	Henry, Tex.	Quarles,	Taylor, Ala.
Cowherd,	Jett,	Rhea, Ky.	Terry,
Cox,	Jones, Va.	Richardson, Ala.	Thayer,
Crowley,	Jones, Wash.	Richardson, Tenn.	Underwood,
Cushman,	Kitchin,	Ridgely,	Williams, J. R.
Davis,	Kleberg,	Rixey,	Williams, W. E.
De Armond,	Klutz,	Robb,	Williams, Miss.
De Graffenreid,	Lamb,	Robinson, Ind.	Wilson, S. C.
Denny,	Lanham,	Rucker,	
Dougherty,	Lentz,	Salmon,	

ANSWERED "PRESENT"—8.

Burleson,	Ruppert,	Smith, H. C.	Wheeler,
McClellan,	Sims,	Wanger,	Zenor.

NOT VOTING—115.

Acheson,	Cooney,	Lane,	Ransdell,
Adamson,	Cooper, Wis.	Lassiter,	Rhea, Va.
Aldrich,	Cummings,	Lawrence,	Riordan,
Allen, Miss.	Cusack,	Lester,	Robertson, La.
Bailey, Tex.	Dahle,	Levy,	Robinson, Nebr.
Ball,	Davey,	Littauer,	Ryan, N. Y.
Bankhead,	Davidson,	Littlefield,	Showalter,
Barber,	Dinsmore,	Livingston,	Spalding,
Bellamy,	Fitzpatrick,	Lorimer,	Sparkman,
Benton,	Fowler,	Loud,	Spight,
Bishop,	Freer,	Loudenslager,	Stewart, N. J.
Boreing,	Gamble,	Lovering,	Stokes,
Boutelle, Me.	Gardner, Mich.	McCall,	Sulzer,
Bradley,	Gardner, N. J.	McCulloch,	Talbert,
Breazeale,	Gill,	McDermott,	Tate,
Brenner,	Gillett, Mass.	McRae,	Taylor, Ohio
Brosius,	Gordon,	Mahon,	Thomas, Iowa
Broussard,	Greene, Mass.	Marsh,	Thomas, N. C.
Brundidge,	Griffith,	Mesick,	Tompkins,
Bull,	Griggs,	Metcalf,	Tongue,
Burkett,	Haugen,	Minor,	Underhill,
Burnett,	Hemenway,	Mondell,	Vandiver,
Burton,	Hopkins,	Moody, Mass.	Wachter,
Campbell,	Howard,	Muller,	Wadsworth,
Capron,	Howell,	Napfen,	Watson,
Catchings,	Johnston,	Noonan,	White,
Chanler,	Kahn,	Parker, N. J.	Wilson, N. Y.
Clarke, N. H.	Kerr, Ohio	Pierce, Tenn.	Wise.
Connell,	King,	Polk,	

So the resolution was agreed to.

The Clerk announced the following additional pairs:

Mr. WANGER with Mr. ADAMSON on all political questions until end of session, reserving the right to vote to make a quorum and excepting election cases.

For this day:

Mr. BARHAM with Mr. KING.

On this vote:

Mr. CONNELL with Mr. TATE.

Mr. KERR of Ohio with Mr. DINSMORE.

Mr. KERR of Maryland with Mr. BRUNDIDGE.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is on the motion that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. COWHERD demanded a division.

The House divided; and there were—ayes 116, noes 59.

Mr. COWHERD. No quorum present, Mr. Speaker.

The SPEAKER, after counting the House, announced 201 members, a quorum, present.

Mr. COWHERD. Mr. Speaker, I call for tellers on the vote.

The SPEAKER. The gentleman demands tellers on the vote just taken.

Tellers were ordered.

Mr. GROSVENOR. Mr. Speaker, a parliamentary inquiry. On what are the tellers ordered?

The SPEAKER. On the vote just taken, to go into Committee of the Whole on the state of the Union. The Chair will appoint the gentleman from Wisconsin [Mr. BABCOCK] and the gentleman from Missouri [Mr. COWHERD].

Mr. BABCOCK. Mr. Speaker, I ask for the yeas and nays on this.

The yeas and nays were ordered.

The question was taken; and there were—yeas 161, nays 66, answered "present" 4, not voting 125; as follows:

YEAS—161.

Acheson,	Bailey, Kans.	Bingham,	Brick,
Adams,	Baker,	Bishop,	Bromwell,
Alexander,	Bankhead,	Boreing,	Brosius,
Allen, Me.	Barney,	Boutell, Ill.	Brown,
Babcock,	Bartholdt,	Bowersock,	Brownlow,

Burke, S. Dak.	Glynn,	Mann,	Russell,
Burleigh,	Graff,	Meekison,	Ryan, Pa.
Butler,	Graham,	Mercer,	Shattuc,
Calderhead,	Green, Pa.	Meyer, La.	Shaw,
Cannon,	Grosvenor,	Miers, Ind.	Shelden,
Capron,	Grow,	Miller,	Sherman,
Clayton, N. Y.	Hall,	Minor,	Sibley,
Cochrane, N. Y.	Hamilton,	Mondell,	Smith, Ill.
Conner,	Hawley,	Moody, Mass.	Smith, Iowa.
Corliss,	Hay,	Moody, Oreg.	Smith, Samuel W.
Cousins,	Heatwole,	Morgan,	Smith, Wm. Alden
Cowherd,	Hemenway,	Morrill,	Southard,
Crump,	Henry, Conn.	Morris,	Sperry,
Crumpacker,	Hepburn,	Mudd,	Sprague,
Cummings,	Hill,	Needham,	Steele,
Curtis,	Hitt,	Norton, Ohio	Stevens, Minn.
Dalzell,	Hoffecker,	O'Grady,	Stewart, N. Y.
Davenport, S. A.	Hopkins,	Olmsted,	Stewart, Wis.
Davenport, S. W.	Hull,	Otey,	Sulloway,
Dayton,	Jack,	Otjen,	Swanson,
Dick,	Jenkins,	Overstreet,	Tawney,
Dovenor,	Joy,	Packer, Pa.	Thropp,
Driggs,	Kerr, Md.	Payne,	Tompkins,
Driscoll,	Ketcham,	Pearce, Mo.	Van Voorhis,
Eddy,	Knox,	Pearson,	Vreeland,
Emerson,	Lacey,	Pearse,	Waters,
Esch,	Landis,	Phillips,	Weaver,
Faris,	Latimer,	Polk,	Weymouth,
Fletcher,	Lawrence,	Powers,	Wilson, Idaho
Fordney,	Linney,	Prince,	Woods,
Foster,	Long,	Pugh,	Wright,
Gardner, Mich.	Loud,	Ray, N. Y.	Young,
Gaston,	Loudenslager,	Reeder,	Ziegler,
Gibson,	Lybrand,	Reeves,	
Gill,	McAleer,	Roberts,	
Gillet, N. Y.	McCleary,	Rodenberg,	

NAYS—66.

Allen, Ky.	Dougherty,	Little,	Scudder,
Atwater,	Elliott,	McCulloch,	Shackleford,
Bartlett,	Finley,	McDowell,	Shafroth,
Bell,	Fitzgerald, Mass.	McLain,	Sheppard,
Brantley,	Fitzgerald, N. Y.	Maddox,	Snodgrass,
Brundidge,	Fleming,	May,	Stark,
Caldwell,	Fox,	Moon,	Stephens, Tex.
Clark, Mo.	Gilbert,	Neville,	Sutherland,
Cochran, Mo.	Henry, Miss.	Newlands,	Taylor, Ala.
Cooper, Tex.	Henry, Tex.	Norton, S. C.	Terry,
Cox,	Jett,	Quarles,	Turner,
Crowley,	Jones, Va.	Rhea, Ky.	Williams, J. R.
Cushman,	Jones, Wash.	Richardson, Tenn.	Williams, W. E.
Davis,	Kitchin,	Ridgely,	Wilson, S. C.
De Graffenreid,	Kleberg,	Rixey,	Zenor.
Denny,	Klutz,	Robinson, Ind.	
Dinsmore,	Lentz,	Salmon,	

ANSWERED "PRESENT"—4.

McClellan,	Ruppert,	Small,	Wanger.
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NOT VOTING—125.

Adamson,	Cusack,	Levy,	Smith, Ky.
Aldrich,	Dahle,	Lewis,	Smith, H. C.
Allen, Miss.	Davey,	Littauer,	Spalding,
Bailey, Tex.	Davidson,	Littlefield,	Sparkman,
Ball,	De Armond,	Livingston,	Spight,
Barber,	Fitzpatrick,	Lloyd,	Stallings,
Barham,	Foss,	Lorimer,	Stewart, N. J.
Bellamy,	Fowler,	Lovering,	Stokes,
Benton,	Freer,	McCall,	Sulzer,
Berry,	Gaines,	McDermott,	Talbert,
Boutelle, Me.	Gamble,	McRae,	Tate,
Bradley,	Gardner, N. J.	Mahon,	Taylor, Ohio
Breazeale,	Gayle,	Marsh,	Thayer,
Brenner,	Gillett, Mass.	Mesick,	Thomas, Iowa
Brewer,	Gordon,	Metcalf,	Thomas, N. C.
Broussard,	Greene, Mass.	Muller,	Tongue,
Bull,	Griffith,	Napfen,	Underhill,
Burke, Tex.	Griggs,	Noonan,	Underwood,
Burkett,	Grout,	Parker, N. J.	Vandiver,
Burleson,	Haugen,	Pierce, Tenn.	Wachter,
Burnett,	Hedge,	Ransdell,	Wadsworth,
Burton,	Howard,	Rhea, Va.	Warner,
Campbell,	Howell,	Richardson, Ala.	Watson,
Carmack,	Johnston,	Riordan,	Weeks,
Catchings,	Kahn,	Robb,	Wheeler,
Chanler,	Kerr, Ohio.	Robertson, La.	White,
Clarke, N. H.	King,	Robinson, Nebr.	Williams, Miss.
Clayton, Ala.	Lamb,	Rucker,	Wilson, N. Y.
Connell,	Lane,	Ryan, N. Y.	Wise.
Cooney,	Lanham,	Showalter,	
Cooper, Wis.	Lassiter,	Sims,	
Cromer,	Lester,	Slayden,	

So the motion to go into Committee of the Whole was agreed to.

The following additional pairs were announced:

On this vote:

Mr. CROMER with Mr. LANHAM.

Mr. FREER with Mr. CLAYTON of Alabama.

Mr. WEEKS with Mr. LEWIS.

Mr. KITCHIN. Mr. Speaker, I desire to vote.

The SPEAKER. Was the gentleman present and listening when his name should have been called and failed to hear it?

Mr. KITCHIN. I was.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. KITCHIN's name was called and he voted "no," as above stated.

Mr. LATIMER. Mr. Speaker, I desire to have my vote recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. LATIMER. I was. I heard it called, but thought I had voted, and let it pass over.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. LATIMER's name was called, and he voted "aye," as above recorded.

Mr. BARTLETT. Mr. Speaker, I was in the House and did not hear my name called on the second roll call.

The SPEAKER. The Clerk will call the gentleman's name.

Mr. BARTLETT's name was called, and he voted "no," as above recorded.

Mr. SMALL. Mr. Speaker, I voted "no." I desire to recall that vote and be marked present.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. SMALL's name, and he voted "present," as above recorded.

Mr. TONGUE. Mr. Speaker, I was paired with the gentleman from Texas, Mr. BALL. He returned to the Hall too late to vote, otherwise I would have voted "aye." Therefore I will let my pair stand.

The result of the vote was then announced as above recorded.

Mr. COWHERD. Mr. Speaker, I move to reconsider the last vote.

Mr. NORTON of Ohio. A point of order, Mr. Speaker.

The SPEAKER. What is the gentleman's point of order?

Mr. NORTON of Ohio. It is a dilatory motion.

The SPEAKER. The Chair sustains the point of order.

Mr. RICHARDSON of Tennessee. Does the Chair decide that a motion to reconsider a vote is a dilatory motion? It has never been so decided by any other Speaker of this House.

The SPEAKER. The motion prevails, and the gentleman from Massachusetts [Mr. MOODY] will take the chair.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. MOODY in the chair.

The CHAIRMAN. The Committee will be in order. The House is in Committee of the Whole House on the state of the Union, for the further consideration of the bill S. 1929, and under the order of the House general debate is now closed, and the Clerk will report the bill.

The Clerk read the first section of the bill, and also the following amendments recommended by the committee:

Page 1, line 9, strike out the word "Eighth" and insert in lieu thereof the word "Eleventh."

Page 1, line 11, after the word "for," insert the words "not less than," and after the word "two" insert the words "nor more than four."

Mr. BABCOCK. Mr. Chairman, I ask for a vote on these amendments.

Mr. COWHERD. I would like to understand what the amendments are.

The CHAIRMAN. They have just been reported by the Clerk.

Mr. COWHERD. But the Clerk read them so rapidly that we could not hear what they were.

The CHAIRMAN. They are indicated by striking out and inserting the language in italics. Unless there is objection the Chair will put them in gross.

Mr. COWHERD. I object.

The CHAIRMAN. The Clerk will report the first amendment.

The Clerk read as follows:

Page 1, line 9, strike out the word "Eighth" and insert "Eleventh."

Mr. NEWLANDS. Mr. Chairman, is this open to discussion?

The CHAIRMAN. It is.

Mr. NEWLANDS. Mr. Chairman, I am in favor of the recommendation of this bill to the Committee on the District of Columbia. My hope is that they will be able to harmonize this bill with the plans presented by Mr. Parsons for the improvement of the Mall. I would like to see the question of the convenience and beauty of design realized. I believe that it would be more convenient to the public if the station could be on Pennsylvania avenue. I believe, also, that that can be done and at the same time retain substantially the design presented to us by Mr. Parsons. Now, I wish to say that this act, according to my information, has been passed in the Senate. It was passed one year ago. Subsequent to the passage of this act the Congress of the United States, by appropriation, provided for plans of the Mall, for plans to be designed by an eminent landscape architect to be appointed by the President of the United States, so that the work of planning the Mall was inaugurated subsequent to the passage of this bill by the Senate. These plans were not before the Senate when this bill was passed. Now, these plans have received the approval of the Chief of Engineers of the United States Army and the approval of Colonel Bingham, who is in charge of the public grounds of the District of Columbia, and I do not understand that they have been properly considered in the framing of this bill.

It is true that those plans provide for a station to the south of the Mall, with a view to maintaining the beauty of proportions of the Mall itself. But possibly if the attention of Mr. Parsons were called to the necessity of having the station on Pennsylvania

avenue, so as to meet the convenience of the public, a modification of those plans might be made—a modification of the plans presented by the railroad company might be made which would unite the considerations both of convenience and of beauty.

Now, briefly stated, this design of Mr. Parsons does away with the three or four divided parks to which the gentleman from Iowa [Mr. HEPBURN] has alluded. It is true that for purposes of convenience four of the streets of the city pass through this park—Third street, Seventh street, Twelfth street, and Fifteenth street. But they pass through the park in such a way as to give the appearance of lowered streets, though really the grade is maintained.

How is that done? Simply by the genius of the landscape architect. The design provides for the heaping up of earth on each side of the street and the planting of trees. Thus the street is practically obscured from view from any part of the park, just as much as if it passed through a tunnel. In this manner the park effect is preserved all the way from the Capitol to Fifteenth street. Convenience of access to every part of the park is secured by bridges passing over those streets—bridges forming a part of the park. Thus convenience of travel through the parks for traffic of every kind is secured, while at the same time the park of I do not know how many acres is absolutely preserved in its length and its breadth as a perfect unit.

The CHAIRMAN. The time of the gentleman from Nevada has expired.

Mr. NEWLANDS. I ask unanimous consent to proceed for five minutes more.

Mr. BABCOCK. The gentleman has not confined his remarks to this amendment. I move that debate on the amendment close in one minute.

The CHAIRMAN (having put the question). The ayes appear to have it.

Mr. GAINES. I call for a division.

The question being again taken; there were—ayes 85, noes 85. So the motion of Mr. BABCOCK was agreed to.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

On page 2, line 1, after the word "for" insert "not less than."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. NEWLANDS. I rise to a parliamentary inquiry.

Mr. BABCOCK. I submit that the Clerk has not read the whole amendment. There is one amendment applying to lines 1 and 2.

Mr. FITZGERALD of Massachusetts. There are two distinct propositions. I do not see how they can be treated as one amendment.

The CHAIRMAN. The Chair rules that the proposition just read and the one that the Clerk will now read constitute but one amendment. The Clerk will now read the whole of the pending amendment.

The Clerk read as follows:

After the word "for," in line 1, insert "not less than," and after the word "two," in the same line, insert "nor more than four;" so as to read "not less than two nor more than four tracks."

Mr. BABCOCK. I ask for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. RICHARDSON of Tennessee. I ask for a separate vote on these two propositions. There are, in fact, two amendments. Each is a separate proposition.

The CHAIRMAN. The Chair has ruled that the amendment just read is a single amendment.

Mr. RICHARDSON of Tennessee. But if the Chair will hear me a moment—

The CHAIRMAN. The Chair has ruled on the question. [Cries of "Regular order."]

Mr. RICHARDSON of Tennessee. I am not filibustering. There are two substantive propositions. One is to insert the words "not less than;" the other is to insert the words "nor more than four." I could move to strike out "four" and insert "three." Let us proceed in an orderly manner and in accordance with the rules, even if this bill is to be rushed through. My point is that there are two substantive propositions. If the Chair chooses to rule otherwise, it can do so.

The CHAIRMAN. The Chair has ruled and does not retract its ruling.

[Mr. FITZGERALD of Massachusetts addressed the committee. See Appendix.]

Mr. BABCOCK. I move, Mr. Chairman, that debate on the amendment and amendments thereto close in one minute.

Mr. RICHARDSON of Tennessee. I make the point of order that the gentleman can not close debate under the rules of the House in that manner if any gentleman desires to discuss the proposition. The rules allow ten minutes' debate—five minutes for and five against the proposition.

Mr. BABCOCK. What rules does the gentleman refer to?
Mr. RICHARDSON of Tennessee. I refer to the rules of the House?

Mr. FITZGERALD of Massachusetts. The rules of the committee prohibit it.

Mr. RICHARDSON of Tennessee. The rules allow five minutes for and five minutes against the proposition. I submit that the motion of the gentleman from Wisconsin is not in order to close the debate if any man wants to occupy that time.

The CHAIRMAN. The Chair will be glad to hear from the gentleman from Tennessee on the point of order. Rule XXIII, paragraph 6, seems to apply to this.

Mr. CUMMINGS. Mr. Chairman—

The CHAIRMAN. The gentleman from Tennessee is entitled to the floor if he desires to be heard.

Mr. BABCOCK. I believe the five minutes against the amendment have been exhausted.

Mr. RICHARDSON of Tennessee. The rules permit five minutes for and five minutes against an amendment.

Mr. BABCOCK. There is no one who desires to speak for the amendment.

Mr. FITZGERALD of Massachusetts. But there are some gentlemen who desire to speak against this bill if they are given an opportunity.

The CHAIRMAN. The question may arise again, but the present view of the Chair is that after the five minutes' debate has begun, though not completed, it is entirely within the province of the committee to close the debate. The Chair will be glad to hear from the gentleman from Tennessee on the subject.

Mr. GAINES. Is it not in the power of the committee to change a rule of the House?

The CHAIRMAN. Does the Chair understand that the gentleman from Tennessee desires to be heard on this?

Mr. RICHARDSON of Tennessee. The rule, Mr. Chairman, as I have always understood it, upon amendments in Committee of the Whole under the five-minute rule is that five minutes shall be allowed the mover of an amendment and five minutes to any gentleman opposing the amendment. Now, when you move to close the debate before the ten minutes are exhausted, I say it is not in order, if any gentleman wants to debate it.

The statement is made that no gentleman desires to debate the question. If that is true, why there is no necessity to move to close the debate. I submit that we ought to proceed in order, and I think the Chair will find that the position I take is exactly in accordance with the rule that five minutes are allowed for and five minutes against any proposed amendment, provided any gentleman desires to speak. If no gentleman desires to occupy the floor, that is another matter. I do not know whether any gentleman desires to occupy the floor or not. I do not.

Mr. FITZGERALD of Massachusetts. I desire time to finish my remarks.

Mr. GROSVENOR. Mr. Chairman, this is a very plain matter, and the gentleman from Tennessee has simply thrust a proposition before the committee and declined to read the rules of the House. Here is the rule of the House that completely answers the gentleman's contention. It is found on page 284 of the Manual.

Mr. RICHARDSON of Tennessee. Clause 5 of Rule XXIII.

Mr. GROSVENOR. Just wait a moment and I will read it myself.

6. The committee may, by the vote of a majority of the members present, at any time after the five minutes' debate has begun upon proposed amendments to any section or paragraph of a bill, close all debate upon such section or paragraph, or, at its election, upon the pending amendments only (which motion shall be decided without debate).

That is the law, and the gentleman is perfectly familiar with it, quite as much so as the Chairman of the committee is.

Mr. RICHARDSON of Tennessee. I respectfully ask the reading of the preceding clause.

Mr. GROSVENOR. But the preceding clause is answered by that clause.

Mr. RICHARDSON of Tennessee. Not at all.

Mr. GROSVENOR. The first clause says that the man who proposes the amendment may have five minutes, and then it says that the man opposed to it may have five minutes, subject to the rule below.

Mr. RICHARDSON of Tennessee. Oh, no.

Mr. GROSVENOR. Why, then, you repeal the clause below.

Mr. RICHARDSON of Tennessee. Mr. Chairman, in my experience I have never known any objection to be made to ten minutes' debate upon an amendment. I desire to read the clause of the rule to which I refer, that it may go into the RECORD:

5. When general debate is closed by order of the House, any member shall be allowed five minutes to explain any amendment he may offer, after which the member who shall first obtain the floor shall be allowed to speak five minutes in opposition to it, and there shall be no further debate thereon.

So I say the rule is explicit. If any gentleman claims the floor

in opposition to the amendment, he is entitled to the floor. That is all.

The CHAIRMAN. The Chair is ready to rule.

Several MEMBERS. Rule! Rule!

Mr. RICHARDSON of Tennessee. You can not have a ruling until the Chair says so.

Mr. PAYNE. The Chair is not compelled to listen to the gentleman any longer than—

Mr. RICHARDSON of Tennessee. I will not yield to the gentleman from New York.

The CHAIRMAN. The gentleman from Tennessee has the floor.

Mr. PAYNE. I rise to a parliamentary inquiry.

Mr. RICHARDSON of Tennessee. I will not yield to a parliamentary inquiry.

Mr. PAYNE. I rise to a point of order.

Mr. RICHARDSON of Tennessee. I can not be taken off the floor by the gentleman's parliamentary inquiry. I do not yield to him.

The CHAIRMAN. The gentleman from Tennessee is entitled to the floor. [Applause on the Democratic side.]

Mr. PAYNE. The gentleman is entitled to the floor just so long as the Chair is pleased to hear him, and no longer.

Mr. WILLIAMS of Mississippi. I make the point of order that the gentleman from New York is out of order.

The CHAIRMAN. The gentleman from New York says he rises to a point of order.

Mr. PAYNE. I rose in the first place to make the point of order that the gentleman from Tennessee could only proceed in the discretion of the Chair; that whenever the Chair had heard sufficient debate the Chair could then make his decision. The Chair had risen to make his decision when the gentleman from Tennessee interfered.

Mr. GAINES. The gentleman from Tennessee [Mr. RICHARDSON] had the floor.

Mr. RICHARDSON of Tennessee. If the Chair declines to hear me, I do not want to be heard.

The CHAIRMAN. The Chair would state to the gentleman from Tennessee that the Chair is quite ready to rule, but will not rule while the gentleman from Tennessee desires in good faith to address the Chair. [Applause on the Democratic side.]

Mr. RICHARDSON of Tennessee. I thank the Chair. I have no desire to delay the debate. I have read clause 5 of Rule XXIII, which expressly contains the contention which I make most respectfully. I thank the Chair for this parliamentary protection, and now yield the floor.

The CHAIRMAN. The Chair is very clearly of the opinion that by section 5, five minutes' debate is allowed for an amendment proposed and five minutes against that amendment and then the debate closes itself without any motion. The sixth paragraph, which was adopted ten years later than the one just referred to, provided for closing debate at any time after it shall have begun. It would have been entirely unnecessary if it had been limited to the condition described in paragraph 5, because the debate then is closed without any motion, or upon the interposition of the point of order by any gentleman on the floor. The Chair, therefore, rules that the motion of the gentleman from Wisconsin is in order, that debate upon this amendment be closed in one minute.

Mr. BABCOCK. My motion was upon the amendment and the section.

The CHAIRMAN. The gentleman from Wisconsin moves that all debate upon the section and upon the amendment be closed in one minute.

Mr. COWHERD. Mr. Chairman—

Mr. WILLIAMS of Mississippi. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS of Mississippi. Do I understand if that is passed no further amendments can be offered?

The CHAIRMAN. They would be in order, but not debatable.

Mr. WILLIAMS of Mississippi. They could be offered, but not debated?

Mr. COWHERD. Mr. Chairman, I desire to ask whether the minority members of the committee, who have amendments to offer after the committee amendments have been disposed of, are to be prevented from offering their amendments and explaining them? I desire to ask the chairman of the committee if it is his desire to cut us off from explaining our amendments?

The CHAIRMAN. That is in control of the committee. The amendments would be in order after the adoption of this amendment, but there could be no debate.

Mr. COWHERD. The gentleman can save time by giving us five minutes to present them.

The question was taken on the motion of Mr. BABCOCK; and the Chairman announced that the ayes appeared to have it.

Mr. COWHERD. Division.

The committee divided; and there were—ayes 90, noes 62.

Mr. COWHERD. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BABCOCK] and the gentleman from Missouri [Mr. COWHERD] will take their places and act as tellers.

The committee again divided; and the tellers reported—ayes 117, noes 51.

So the motion was agreed to.

Mr. BABCOCK. Now, Mr. Chairman, I move that the committee rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. MOODY of Massachusetts, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 1929 and had come to no resolution thereon.

Mr. BABCOCK. Mr. Speaker, I move that the House take a recess until 11 o'clock to-morrow; and upon that motion I demand the previous question.

The SPEAKER. The Chair is of the opinion, without examination, that the motion for the previous question is not necessary on this motion. The question is on agreeing to the motion of the gentleman from Wisconsin.

Mr. RICHARDSON of Tennessee. What was the motion?

The SPEAKER. The motion is to take a recess until 11 o'clock to-morrow.

Mr. RICHARDSON of Tennessee. I move to amend that by making it 5 minutes to 12 o'clock.

Mr. PAYNE. Mr. Speaker, the gentleman moved the previous question on his motion, which cuts off any amendment.

Mr. RICHARDSON of Tennessee. I offer the amendment to make it 5 minutes to 12 o'clock.

The SPEAKER. The Chair will put the motion for the previous question. It will be in order to obviate the very purpose that is manifested by the supplemental motion.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. COWHERD. Division.

The House divided; and there were—ayes 118, noes 40.

Mr. COWHERD. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 150, nays 46, answered "present" 9, not voting 151; as follows:

YEAS—150

Acheson,	Dick,	Ketcham,	Reeder,
Adams,	Dovener,	Knox,	Reeves,
Alexander,	Driggs,	Lacey,	Rhea, Va.
Allen, Me.	Eddy,	Landis,	Roberts,
Babcock,	Emerson,	Linney,	Rodenberg,
Bailey, Kans.	Esch,	Long,	Russell,
Bankhead,	Faris,	Lybrand,	Ryan, Pa.
Barney,	Fletcher,	McAleer,	Shattuc,
Bartholdt,	Fordney,	McCleary,	Shaw,
Berry,	Foss,	Mann,	Shelden,
Bingham,	Gardner, Mich.	Marsh,	Sherman,
Boreing,	Gaston,	Meekison,	Sibley,
Bowersock,	Gibson,	Meyer, La.	Smith, Ill.
Brick,	Gill,	Miller,	Smith, Iowa.
Bromwell,	Gillet, N. Y.	Minor,	Smith, Samuel W.
Brosius,	Gillett, Mass.	Mondell,	Smith, Wm. Alden
Brown,	Glynn,	Moody, Mass.	Southard,
Brownlow,	Graff,	Moody, Oreg.	Sperry,
Burke, S. Dak.	Graham,	Morgan,	Sprague,
Burkett,	Grosvenor,	Morrell,	Steele,
Burleigh,	Grout,	Morris,	Stewart, N. Y.
Butler,	Grow,	Mudd,	Stewart, Wis.
Calderhead,	Hall,	Needham,	Swanson,
Cannon,	Hamilton,	Norton, Ohio	Tawney,
Capron,	Hawley,	Olmsted,	Tompkins,
Clayton, N. Y.	Hay,	Otey,	Tongue,
Cochrane, N. Y.	Heatwole,	Otjen,	Van Voorhis,
Conner,	Hedge,	Overstreet,	Vreeland,
Corliss,	Hemenway,	Payne,	Weaver,
Cousins,	Henry, Conn.	Pearce, Mo.	Weeks,
Crump,	Hepburn,	Pearson,	Weymouth,
Crumpacker,	Hill,	Pearre,	Wilson, Idaho.
Cummings,	Hoffecker,	Phillips,	Woods,
Curtis,	Hull,	Polk,	Wright,
Dalzell,	Jack,	Powers,	Young,
Davenport, S. A.	Jenkins,	Prince,	Ziegler,
Davenport, S. W.	Joy,	Pugh,	
Dayton,	Kerr, Md.	Ray, N. Y.	

NAYS—46

Atwater,	Dougherty,	Moon,	Sheppard,
Bartlett,	Fox,	Neville,	Snodgrass,
Breazeale,	Henry, Miss.	Newlands,	Stark,
Brundidge,	Jones, Va.	Rhea, Ky.	Terry,
Burke, Tex.	Jones, Wash.	Richardson, Ala.	Turner,
Caldwell,	Kitchin,	Richardson, Tenn.	Underwood,
Cochran, Mo.	Kieberg,	Rixey,	Williams, J. R.
Cooper, Tex.	Lloyd,	Robb,	Williams, W. E.
Cushman,	McCulloch,	Robinson, Ind.	Williams, Miss.
De Armond,	McDowell,	Salmon,	Zenor,
De Graffenreid,	McLain,	Scudder,	
Dinsmore,	Miers, Ind.	Shackleford,	

ANSWERED "PRESENT"—9.

Barham,	McDermott,	Sims,	Thomas, N. C.
Boutell, Ill.	O'Grady,	Stephens, Tex.	Wanger,
McClellan,			

NOT VOTING—151.

Adamson,	Davey,	Lanham,	Ruppert,
Aldrich,	Davidson,	Lassiter,	Ryan, N. Y.
Allen, Ky.	Davis,	Latimer,	Shafroth,
Allen, Miss.	Denny,	Lawrence,	Showalter,
Bailey, Tex.	Driscoll,	Lentz,	Slayden,
Baker,	Elliott,	Lester,	Small,
Ball,	Finley,	Levy,	Smith, Ky.
Barber,	Fitzgerald, Mass.	Lewis,	Smith, H. C.
Beil,	Fitzgerald, N. Y.	Littauer,	Spalding,
Bellamy,	Fitzpatrick,	Little,	Sparkman,
Benton,	Fleming,	Littlefield,	Spight,
Bishop,	Foster,	Livingston,	Stallings,
Boutelle, Ma.	Fowler,	Lorimer,	Stevens, Minn.
Bradley,	Freer,	Loud,	Stewart, N. J.
Brantley,	Gaines,	Loudenslager,	Stokes,
Brenner,	Gamble,	Lovering,	Sulloway,
Brewer,	Gardner, N. J.	McCall,	Sulzer,
Broussard,	Gayle,	McRae,	Sutherland,
Bull,	Gilbert,	Maddox,	Talbert,
Burleson,	Gordon,	Mahon,	Tate,
Burnett,	Green, Pa.	May,	Taylor, Ohio
Burton,	Greene, Mass.	Mercer,	Taylor, Ala.
Campbell,	Griffith,	Mesick,	Thayer,
Carmack,	Griggs,	Metcalf,	Thomas, Iowa
Catchings,	Haugen,	Muller,	Thropp,
Chanler,	Henry, Tex.	Naphen,	Underhill,
Clark, Mo.	Hitt,	Noonan,	Vandiver,
Clarke, N. H.	Hopkins,	Norton, S. C.	Wachter,
Clayton, Ala.	Howard,	Packer, Pa.	Wadsworth,
Connell,	Howell,	Parker, N. J.	Warner,
Cooney,	Jett,	Pierce, Tenn.	Waters,
Cooper, Wis.	Johnston,	Quarles,	Watson,
Cowherd,	Kahn,	Ransdell,	Wheeler,
Cox,	Kerr, Ohio	Ridgely,	White,
Cromer,	King,	Riordan,	Wilson, N. Y.
Crowley,	Kluttz,	Robertson, La.	Wilson, S. C.
Cusack,	Lamb,	Robinson, Nebr.	Wise,
Dahle,	Lane,	Rucker,	

So the previous question was ordered.

Mr. BERRY. Mr. Speaker, I desire to be recorded.

The SPEAKER. Was the gentleman present and listening when his name should have been called?

Mr. BERRY. I was.

The SPEAKER. The Clerk will call the gentleman's name.

The Clerk called Mr. BERRY's name; and he voted "no," as above recorded.

The following additional pairs were announced:

Until further notice:

Mr. O'GRADY with Mr. FITZGERALD of New York.

Mr. WISE with Mr. LAMB.

Mr. KERR of Ohio with Mr. HENRY of Texas.

Mr. THROPP with Mr. BRANTLEY.

For this day:

Mr. MERCER with Mr. BELL.

Mr. STEVENS of Minnesota with Mr. SHAFROTH.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now is on agreeing to the motion to take a recess until 11 o'clock to-morrow.

The question was taken; and on a division (demanded by Mr. COWHERD) there were 139 ayes and 43 noes.

Mr. COWHERD. The yeas and nays, Mr. Speaker.

The question was taken.

The SPEAKER. Thirty-eight gentlemen rising, a sufficient number, the yeas and nays are ordered.

The question was taken; and there were—yeas 157, nays 27, answered "present" 6, not voting 166; as follows:

YEAS—157.

Acheson,	Corliss,	Grosvenor,	Meekison,
Adams,	Cousins,	Grout,	Meyer, La.
Alexander,	Crowley,	Grow,	Miers, Ind.
Allen, Me.	Crump,	Hall,	Miller,
Babcock,	Crumpacker,	Hamilton,	Minor,
Bailey, Kans.	Cummings,	Hawley,	Mondell,
Bankhead,	Curtis,	Hay,	Moody, Mass.
Barney,	Dalzell,	Heatwole,	Moody, Oreg.
Berry,	Davenport, S. A.	Hedge,	Morgan,
Bingham,	Davenport, S. W.	Hemenway,	Morrell,
Boreing,	Dayton,	Henry, Conn.	Morris,
Boutell, Ill.	Dick,	Hepburn,	Mudd,
Brick,	Dovener,	Hill,	Needham,
Bromwell,	Driggs,	Hoffecker,	Norton, Ohio
Brosius,	Eddy,	Hull,	Olmsted,
Broussard,	Emerson,	Jenkins,	Otey,
Brown,	Esch,	Joy,	Otjen,
Brownlow,	Faris,	Kerr, Md.	Overstreet,
Burke, S. Dak.	Fletcher,	Ketcham,	Payne,
Burkett,	Fordney,	Knox,	Pearce, Mo.
Burleigh,	Foss,	Lacey,	Pearson,
Butler,	Foster,	Landis,	Pearre,
Calderhead,	Gardner, Mich.	Linney,	Phillips,
Cannon,	Gibson,	Long,	Polk,
Capron,	Gillet, N. Y.	Lybrand,	Powers,
Clayton, N. Y.	Glynn,	McAleer,	Prince,
Cochrane, N. Y.	Graff,	McCleary,	Pugh,
Conner,	Graham,	McDowell,	Ray, N. Y.
Cooper, Wis.	Green, Pa.	Mann,	Reeder,
		Marsh,	Reeves,

Rhea, Va. Roberts, Robinson, Ind. Rodenberg, Russell, Ryan, Pa. Shattuck, Shaw, Shelden, Sherman,	Sibley, Smith, Ill. Smith, Iowa, Smith, Samuel W. Smith, Wm. Alden Southard, Sperry, Sprague, Steele, Stewart, N. Y.	Stewart, Wis. Swanson, Tawney, Thomas, N. C. Thropp, Tompkins, Tongue, Van Voorhis, Vreeland, Weaver,	Weeks, Weymouth, Wilson, Idaho Woods, Wright, Young, Ziegler.
Atwater, Breazeale, Cowherd, De Arizond, De Graffenreid, Fox, Henry, Miss.	Jones, Va. Jones, Wash. Kitchin, Kleberg, Lloyd, McCulloch, McLain,	Moon, Neville, Richardson, Tenn. Salmon, Sheppard, Snodgrass, Stark,	Stephens, Tex. Terry, Turner, Williams, J.R. Williams, W. E. Zenor.
Cromer, Davidson,	McClellan, O'Grady,	Sims,	Wanger.
ANSWERED "PRESENT"—6.			
NOT VOTING—166.			
Adamson, Aldrich, Allen, Ky. Allen, Miss. Bailey, Tex. Baker, Ball, Barber, Barham, Bartholdt, Bartlett, Bell, Bellamy, Benton, Bishop, Boutelle, Ma. Bowersock, Bradley, Brantley, Brenner, Brewer, Brundidge, Bull, Burke, Tex. Burlison, Burnett, Burton, Campbell, Carmack, Catchings, Chanler, Clark Mo., Clarke, N. H. Clayton, Ala. Cochran, Mo. Connell, Cooney, Cooper, Tex. Cox, Cusack, Cushman, Dahle,	Davey, Davis, Denny, Dinsmore, Dougherty, Driscoll, Elliott, Finley, Fitzgerald, Mass. Fitzgerald, N. Y. Fitzpatrick, Fleming, Fowler, Freer, Gaines, Gamble, Gardner, N. J. Gaston, Gayle, Gilbert, Gill, Gordon, Greene, Mass. Griffith, Griggs, Haugen, Henry, Tex. Hitt, Hopkins, Howard, Howell, Jack, Jett, Johnston, Kahn, Kerr, Ohio, King, Kluttz, Lamb, Lane, Lanham, Lassiter,	Latimer, Lawrence, Lentz, Lester, Levy, Lewis, Littauer, Little, Livingston, Lorimer, Loud, Loudenslager, Loving, McCall, McDermott, McRae, Maddox, Mahon, May, Mercer, Mesick, Metcalf, Muller, Napfen, Newlands, Noonan, Norton, S. C. Packer, Pa. Parker, N. J. Pierce, Tenn. Quarles, Ransdell, Rhea, Ky. Richardson, Ala. Ridgely, Riordan, Rixey, Robb, Robertson, La. Robinson, Nebr. Rucker,	Ruppert, Ryan, N. Y. Scudder, Shackleford, Shafroth, Showalter, Slayden, Small, Smith, Ky. Smith, H. C. Spalding, Sparkman, Spight, Stallings, Stevens, Minn. Stewart, N. J. Stokes, Sulloway, Sulzer, Sutherland, Talbert, Tate, Taylor, Ohio Taylor, Ala. Thayer, Thomas, Iowa Underhill, Underwood, Vandiver, Wachter, Wadsworth, Warner, Waters, Watson, Wheeler, White, Williams, Miss. Wilson, N. Y. Wilson, S. C. Wise.

So the motion was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. BARTHOLDT with Mr. DINSMORE.

Mr. CUSHMAN with Mr. WILSON of South Carolina.

Mr. HOWELL with Mr. GRIGGS.

The SPEAKER. On this question the yeas are 157, nays 27, present 6. The yeas have it; and accordingly (at 6 o'clock) the House stands in recess until 11 o'clock to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Holston River, Tennessee—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Ohio Reef, Narragansett Bay, Rhode Island—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Navy submitting an estimate of deficiency appropriation for Bureau of Medicine and Surgery—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of deficiency appropriation for the National Home for Disabled Volunteer Soldiers—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State submitting an estimate of appropriation for increase of salary of United States

consul at Liege, Belgium—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for transcript of records and plats, General Land Office—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect of the Treasury submitting an estimate of appropriations for completing public buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Supervising Architect of the Treasury submitting an estimate of appropriation for completing certain buildings—to the Committee on Public Buildings and Grounds, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, for the attention of Congress, a letter from the Commissioner of Pensions, with documents relating to the case of Alexander Moulton—to the Committee on Invalid Pensions, and ordered to be printed (all but documents).

A letter from the Secretary of the Interior, transmitting papers in pension claim of Eleanor McDevitt, for action by Congress—to the Committee on Invalid Pensions, and ordered to be printed (letter only).

A letter from the Secretary of the Interior, transmitting, with a copy of letter from the Commissioner of Pensions, certain papers in the case of Jane Johnson, for the attention of Congress—to the Committee on Invalid Pensions, and ordered to be printed (all but documents).

A letter from the Secretary of the Interior, transmitting, with a letter from the Commissioner of Pensions, papers in the case of Richard Howell, alias George Carroll, which are recommended to the attention of Congress—to the Committee on Invalid Pensions, and ordered to be printed (all but documents).

A letter from the president of the Civil Service Commission, relating to the disposition of certain papers in the records of the Commission—to the Committee on Disposition of Useless Papers in Executive Departments, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, reported the bill of the House (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes, accompanied by a report (No. 2064); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. JENKINS, from the Committee on the Judiciary, to which was referred the bill of the House (H. R. 12546) to change and fix the time for holding the district and circuit courts of the United States for the northeastern division of the eastern district of Tennessee, reported the same without amendment, accompanied by a report (No. 2065); which said bill and report were referred to the House Calendar.

Mr. COOPER of Wisconsin, from the Committee on Insular Affairs, to which was referred the bill of the House (H. R. 12396) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, and to increase the salary of the commissioners of education provided for by said act, reported the same without amendment, accompanied by a report (No. 2069); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11574) granting a pension to William H. Palmer, reported the same without amendment, accompanied by a report (No. 2037); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10567) granting a pension

to Mary L. Tweddle, reported the same without amendment, accompanied by a report (No. 2038); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12245) granting a pension to Henry A. Jordan, reported the same with amendment, accompanied by a report (No. 2039); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8594) granting a pension to Maltilda Rapp, reported the same with amendment, accompanied by a report (No. 2040); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1995) granting an increase of pension to Frederick O. Lathrop, reported the same with amendment, accompanied by a report (No. 2041); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4191) granting a pension to Anna E. Littlefield, reported the same without amendment, accompanied by a report (No. 2042); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11910) granting an increase of pension to Thomas H. Roberts, reported the same with amendment, accompanied by a report (No. 2043); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7152) for the relief of Nancy L. Donaldson, reported the same with amendment, accompanied by a report (No. 2044); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4217) granting an increase of pension to Michael Dignon, reported the same with amendment, accompanied by a report (No. 2045); which said bill and report were referred to the Private Calendar.

Mr. SHAW, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 236) granting an increase of pension to Albert M. Bennett, of Providence, R. I., reported the same with amendment, accompanied by a report (No. 2046); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4206) granting an increase of pension to Frances E. Childs, reported the same without amendment, accompanied by a report (No. 2047); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2527) granting an increase of pension to David Briggs, reported the same with amendment, accompanied by a report (No. 2048); which said bill and report were referred to the Private Calendar.

Mr. GRAFF, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3247) for the relief of George Mowry, reported the same with amendment, accompanied by a report (No. 2049); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 1588) granting a pension to Eva Clark, reported the same without amendment, accompanied by a report (No. 2050); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 429) to increase the pension of John R. Joy, Company H, Thirty-ninth Iowa Infantry, reported the same with amendment, accompanied by a report (No. 2051); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3784) granting an increase of pension to Lindsay C. Jones, reported the same with amendment, accompanied by a report (No. 2052); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4548) granting an increase of pension to Albert A. Roberts, reported the same without amendment, accompanied by a report (No. 2053); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5224) for the relief of Daniel Smith, of Fentress County, Tenn., reported the same with amendment, accompanied by a report (No. 2054); which said bill and report were referred to the Private Calendar.

Mr. DRIGGS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11361) granting a pension to Susan A. Miller, reported the same with amendment,

accompanied by a report (No. 2055); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4771) granting an increase of pension to Gilbert F. Colby, reported the same without amendment, accompanied by a report (No. 2056); which said bill and report were referred to the Private Calendar.

Mr. SAMUEL W. SMITH, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9106) granting a pension to Nancy Marshall, reported the same with amendment, accompanied by a report (No. 2057); which said bill and report were referred to the Private Calendar.

Mr. GIBSON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9928) granting an increase of pension to H. S. Reed, alias Daniel Hull, reported the same with amendment, accompanied by a report (No. 2058); which said bill and report were referred to the Private Calendar.

Mr. MIERS of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 4178) granting a pension to Thomas White, reported the same with amendment, accompanied by a report (No. 2059); which said bill and report were referred to the Private Calendar.

Mr. MINOR, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9985) granting an increase of pension to Martin Sherwood, late Company C, Thirty-sixth Regiment Wisconsin Volunteer Infantry, reported the same with amendment, accompanied by a report (No. 2060); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11335) granting a pension to Silas Howard, reported the same with amendment, accompanied by a report (No. 2061); which said bill and report were referred to the Private Calendar.

Mr. CONNER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12476) granting an increase of pension to Samuel Minnick, reported the same with amendment, accompanied by a report (No. 2062); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 1952) granting an increase of pension to Thomas J. Jackson, reported the same without amendment, accompanied by a report (No. 2063); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GROSVENOR: A bill (H. R. 12897) to extend the privileges provided by an act entitled "An act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June 10, 1880, as amended—to the Committee on Ways and Means.

By Mr. BABCOCK: A bill (H. R. 12898) relating to the assessment and reassessment of water-main taxes in the District of Columbia—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 12899) to reincorporate and preserve all the corporate franchises and property rights of the defunct corporation known as the German Orphan Asylum Association of the District of Columbia—to the Committee on the District of Columbia.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12900) to regulate the removal of causes from the State courts to the Federal courts on account of prejudice or local influence—to the Committee on the Judiciary.

By Mr. FLYNN: A bill (H. R. 12901) to supplement existing laws relating to the disposition of lands, and so forth—to the Committee on the Public Lands.

By Mr. BROSIUS: A bill (H. R. 12902) to appoint an advisory board of public works for the city of Washington—to the Committee on the District of Columbia.

By Mr. GREENE of Massachusetts: A bill (H. R. 12903) to authorize the Baltimore and Washington Transit Company to extend its street railway in the District of Columbia—to the Committee on the District of Columbia.

By Mr. SHERMAN, from the Committee on Indian Affairs: A bill (H. R. 12904) making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June 30, 1902, and for other purposes—to the Union Calendar.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12905) to establish a home for disabled soldiers of the Federal and Confederate armies in the war between the States, 1861 to 1865, at or near Huntsville, Madison County, Ala.—to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 12906) for the purchase of a site for a hall of records—to the Committee on Public Buildings and Grounds.

By Mr. HEPBURN: A bill (H. R. 12948) amending sections 2 of the acts of June 27, 1890, and May 9, 1900, so as to grant a pension of \$50 a month to the officers and enlisted men named in the act who are now totally blind or who may become totally blind—to the Committee on Invalid Pensions.

By Mr. MOODY of Massachusetts: A bill (H. R. 12949) to fix the compensation of district superintendents in the Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. BULL (by request): A bill (H. R. 12950) relating to school-ships for nautical instruction—to the Committee on Naval Affairs.

By Mr. VAN VOORHIS: A resolution (H. Res. 319) to pay Don C. Walters the difference between the pay of a folder and that of a messenger—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BISHOP: A bill (H. R. 12907) granting a pension to George Hooper—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 12908) to pension David T. Nuttle—to the Committee on Invalid Pensions.

By Mr. BAKER: A bill (H. R. 12909) granting an increase of pension to Samuel S. Swann—to the Committee on Invalid Pensions.

By Mr. BANKHEAD: A bill (H. R. 12910) for the relief of George F. Brott—to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 12911) granting a pension to Minerva McClelland—to the Committee on Pensions.

By Mr. COCHRAN of Missouri: A bill (H. R. 12912) granting a pension to Daniel W. David—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12913) granting a pension to Martha Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12914) granting a pension to Henry C. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12915) granting a pension to Willis Rhodes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12916) granting a pension to William H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12917) granting a pension to Mary C. Roney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12918) granting a pension to John N. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12919) for the relief of G. B. Colyer—to the Committee on War Claims.

Also, a bill (H. R. 12920) to remove the charge of desertion standing against Edgar B. Willoughby—to the Committee on Military Affairs.

By Mr. HULL: A bill (H. R. 12921) granting a pension to Benjamin Wylie—to the Committee on Invalid Pensions.

By Mr. LITTLEFIELD: A bill (H. R. 12922) granting an increase of pension to George C. Leighton—to the Committee on Pensions.

By Mr. MIERS of Indiana: A bill (H. R. 12923) granting a pension to Catherine Fodderill—to the Committee on Invalid Pensions.

By Mr. MERCER: A bill (H. R. 12924) appropriating money for the relief of Henry T. Clarke—to the Committee on Claims.

By Mr. NEVILLE: A bill (H. R. 12925) granting a pension to Benjamin D. Yates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12926) granting an increase of pension to George W. McKey—to the Committee on Invalid Pensions.

By Mr. OTEY: A bill (H. R. 12927) for the relief of R. H. T. Adams, jr., Lynchburg, Va.—to the Committee on Claims.

By Mr. PEARRE: A bill (H. R. 12928) granting an increase of pension to Daniel Robinette—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12929) granting a pension to Richard Bowman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12930) for the relief of Albion M. Christie—to the Committee on Claims.

By Mr. RIXEY (by request): A bill (H. R. 12931) for the relief of William H. Snider—to the Committee on War Claims.

Also, a bill (H. R. 12932) for the relief of the trustees of Cedar Run Baptist Church, of Culpeper County, Va.—to the Committee on War Claims.

Also (by request), a bill (H. R. 12933) to refer the war claim of John C. Newton, of Stafford County, Va., to the Court of Claims—to the Committee on War Claims.

Also (by request), a bill (H. R. 12934) to refer the war claim of the estate of John Sullivan, deceased, late of Stafford County, Va., to the Court of Claims—to the Committee on War Claims.

By Mr. RUCKER: A bill (H. R. 12935) granting an increase of pension to Sylvanus Wilson—to the Committee on Invalid Pensions.

By Mr. RYAN of Pennsylvania: A bill (H. R. 12936) granting an increase of pension to Daniel Nagle—to the Committee on Invalid Pensions.

By Mr. SHATTUC: A bill (H. R. 12937) granting an increase of pension to Mrs. F. H. Anthony—to the Committee on Invalid Pensions.

By Mr. SHAFROTH: A bill (H. R. 12938) granting an increase of pension to Erastus F. Phelps—to the Committee on Invalid Pensions.

By Mr. SIBLEY: A bill (H. R. 12939) granting an increase of pension to Thomas J. Kerstetter—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 12940) granting an increase of pension to Franklin Follansbee—to the Committee on Pensions.

By Mr. SMITH of Iowa: A bill (H. R. 12941) granting an increase of pension to Joseph A. Spaulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12942) granting an increase of pension to George W. Mathews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12943) granting an increase of pension to William W. Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12944) granting an increase of pension to Mahlon B. Eckert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12945) granting an increase of pension to David H. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12946) granting a pension to J. D. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12947) granting a pension to Sarah C. Ocean—to the Committee on Invalid Pensions.

By Mr. GILLET of Massachusetts: A bill (H. R. 12951) for the relief of the legal representatives of Jeremiah Simonson, deceased—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMS: Petition of the Philadelphia Trans-Atlantic Line, in opposition to certain features in Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. ALLEN of Mississippi: Papers to accompany House bill No. 12850, for the relief of W. F. Young—to the Committee on War Claims.

By Mr. EMERSON: Petition of the Woman's Christian Temperance Union of Easton, N. Y., favoring House bill for the suppression of Army canteens and island saloons—to the Committee on Military Affairs.

By Mr. GRAHAM: Petitions of James S. Klein and Sarah B. Stepp, of Allegheny, Pa., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

Also, petition of Charles M. Taylor's Sons, of the Philadelphia Trans-Atlantic Line, in opposition to certain features in Senate bill No. 727, known as the ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. JOY: Petition of William Marshall to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. LACEY: Resolution of the district conference of the Methodist Episcopal Church, Oskaloosa district, Iowa, indorsing the action of the House of Representatives against the Army canteen—to the Committee on Military Affairs.

By Mr. LITTAUER: Resolution of Pomona Grange, Saratoga County, N. Y., protesting against the reduction of the tax on beer and favoring the repeal of stamp tax on checks, drafts, etc.—to the Committee on Ways and Means.

By Mr. MIERS of Indiana: Petition of Catherine Fodderill, widow of John B. Fodderill, to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

By Mr. NEVILLE: Papers to accompany House bill No. 11893, granting a pension to Anna Ellison—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to George W. McKey—to the Committee on Invalid Pensions.

By Mr. RIXEY: Affidavits in support of bill for the relief of St. Paul's Protestant Episcopal Church, at Haymarket, Prince William County, Va.—to the Committee on War Claims.

By Mr. SCUDDER: Three petitions of citizens of Port Jefferson, N. Y., for the improvement of Port Jefferson Harbor—to the Committee on Rivers and Harbors.

By Mr. SHATTUC: Papers in support of House bill for the relief of Mrs. Frances H. Anthony—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of the Methodist Episcopal Church of Clinton, N. Y., favoring anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

By Mr. SLAYDEN: Petition of citizens of Kendall County, Tex., in favor of the improvement of the harbor at Aransas Pass—to the Committee on Rivers and Harbors.

By Mr. SAMUEL W. SMITH: Petition of citizens of South Lyon, Mich., in favor of anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Lacy & Liddell and other business men of Milford, Mich., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

By Mr. VREELAND: Petitions of the First Methodist Episcopal Church and the Woman's Christian Temperance Union of Dunkirk, N. Y., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. WADSWORTH: Petition of E. M. Crandall and 35 other members of the Methodist Episcopal Church of Alabama, N. Y., and resolutions of the First Methodist Episcopal Church of Albion, N. Y., for the protection of native races in our islands against intoxicants and opium—to the Committee on Insular Affairs.

SENATE.

WEDNESDAY, December 19, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

LIGHT-HOUSE BOARD.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an additional estimate of appropriation for rental of rooms for the accommodation of the Light-House Board, \$504; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

EXTRA PAY OF DISABLED SURFMEN, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 6th instant, a decision of the Comptroller of the Treasury and a communication of the Auditor for the Treasury giving a list of the claims rejected and disallowed disabled surfmen, etc.; which, with the accompanying papers, was referred to the Committee on Commerce, and ordered to be printed.

ELECTORAL VOTE OF OREGON.

The PRESIDENT pro tempore. The Chair lays before the Senate a communication from the Secretary of State, transmitting a certified copy of the final ascertainment of the electors for President and Vice-President appointed in the State of Oregon at the election held therein on the 6th day of November, 1900. The communication will be placed on the files of the Senate.

Mr. HOAR. In regard to the announcement the Chair has just made I should like to inquire of the Chair—I have not recently examined the law—whether the certificates of the appointment of electors are not communicated to the Chair in his capacity as a public officer, whether the Senate has any relation to them whatever, and whether they are not in the custody of the President of the Senate? The suggestion of the Chair was that the communication should be placed on the files of the Senate. I merely wish to ask the Chair to have the question considered as to whether such communications should go to the files of the Senate or should be in the personal or official custody of the Chair without any control of the Senate over them.

The PRESIDENT pro tempore. The Chair is not informed. The Chair understands that the law requires that the certificates of the action of the electors themselves must be presented to the President of the Senate, and so forth, but he has no knowledge with regard to these particular certificates.

Mr. HOAR. The Chair has done nothing inconsistent with the theory I suggested; but when the Chair said that such communications go to the files, I did not know but it might be understood that they went onto the Senate files. I think the predecessors of the present occupant of the chair in his high office have had a safe under their personal control where all these documents have been deposited, and the Senate has had no control over them.

The PRESIDENT pro tempore. The Chair is informed that the present law requires that these communications shall be sent to the Secretary of State, to be communicated by him to each House of Congress.

Mr. HOAR. This communication comes from the Secretary of State?

The PRESIDENT pro tempore. It does.

Mr. HOAR. Very well; then there are separate copies sent to the Chair of the action of the electors.

The PRESIDENT pro tempore. Yes.

Mr. CHANDLER. I call the attention of the Senator from Massachusetts to the fact that the electors have not yet voted, and therefore the certificates showing the action of the electors have yet to come. The certificates now under consideration are the certificates of the choice of the electors by the States. They do go upon the files of the Senate, and they belong to Congress, in order that Congress may, if it sees fit, set on foot a preliminary investigation.

Mr. HOAR. The Senator from New Hampshire is right.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (H. R. 2472) to correct the military record of John H. Finck; and

A bill (H. R. 3047) to remove the charge of desertion from military record of John Faulds, Company G, Thirty-first Wisconsin Infantry.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

A bill (H. R. 953) to divide the State of West Virginia into two judicial districts; and

A bill (H. R. 971) to divide Kentucky into two judicial districts.

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (H. R. 154) granting an increase of pension to Benjamin F. Shott;

A bill (H. R. 1845) granting pensions to William Allen and Isaac Garman;

A bill (H. R. 2656) granting an increase of pension to John H. Gardner;

A bill (H. R. 2692) granting an increase of pension to Louisa N. Godfrey;

A bill (H. R. 3133) granting a pension to Edward Hounsom;

A bill (H. R. 3636) granting an increase of pension to George A. Libby;

A bill (H. R. 3658) granting a pension to Catherine Broughton;

A bill (H. R. 3660) granting an increase of pension to Franklin I. Gilbert;

A bill (H. R. 3705) granting a pension to Almeda Brown;

A bill (H. R. 3956) granting an increase of pension to George W. Plants;

A bill (H. R. 4068) granting an increase of pension to Maria N. Flint;

A bill (H. R. 4080) granting a pension to James E. Arvin, Teresa Arvin, and Anna Arvin;

A bill (H. R. 4143) granting a pension to Laura V. Swearer;

A bill (H. R. 4199) granting increase of pension to Gabriel M. Funk;

A bill (H. R. 4356) granting an increase of pension to Henry G. Bigelow;

A bill (H. R. 4633) granting a pension to John Calvin Lane;

A bill (H. R. 5441) granting an increase of pension to Hugh Thompson;

A bill (H. R. 5643) granting a pension to Elizabeth Beesley;

A bill (H. R. 6623) granting a pension to Sarah E. Wall;

A bill (H. R. 7040) granting a pension to Laura Newman;

A bill (H. R. 7203) granting a pension to Thomas F. Walter;

A bill (H. R. 7495) granting an increase of pension to Richard Holloway;

A bill (H. R. 7745) granting a pension to Lucinda Miller;

A bill (H. R. 7912) granting an increase of pension to Harriet A. Wilson;

A bill (H. R. 8161) granting a pension to Annis Bean;

A bill (H. R. 8191) granting an increase of pension to Adam Bieger;

A bill (H. R. 8263) granting a pension to Lula M. Jones;

A bill (H. R. 8297) granting an increase of pension to Albert Buck;

A bill (H. R. 8418) granting an increase of pension to William H. Gibbs;

A bill (H. R. 8535) granting an increase of pension to Andrew E. Dunham;

A bill (H. R. 8647) granting a pension to Joseph Connell;

A bill (H. R. 8942) granting an increase of pension to Michael Howlett;

A bill (H. R. 9023) granting an increase of pension to Mary E. Dobyns;

A bill (H. R. 9266) granting an increase of pension to James H. Caldwell;

A bill (H. R. 9269) granting a pension to Olie Heaton;

A bill (H. R. 9370) granting a pension to Louis M. Starring;

A bill (H. R. 9570) granting an increase of pension to Henry F. Rice;